



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/174/ 2013

Decision No: SIC/J/A/174/2013/294

Sh. Mohd Shafi	Appellant	Absent
Sh. Madan Lal Executive Engineer, PWD (R&B) Division, Kishtwar	PIO	Present

**Jammu
26-09-2013**

Briefly the facts in this appeal are that Sh. Mohd. Shafi S/o Sh. Hashim Din R/o Village Trithloo, Tehsil Gandoh Bhalessa, District Doda moved an application dated 16-02-2013 under J&K RTI Act, 2009 before the PIO, Superintending Engineer, PWD (R&B) J&K Govt. Doda, District Doda for seeking certain information relating to special Sub-division Bhalessa Gandoh for the years 2010-2011 and 2011-2012.

The PIO did not provide the information to the information seeker within statutory period. Thus, feeling aggrieved of inaction on the part of PIO, the information seeker preferred Ist appeal before the Chief Engineer, PWD (R&B), Jammu which has not been adjudicated and disposed of till date. However, District Superintending Engineer, PWD (R&B) Circle, Doda vide No:DSED/R&B/1390-92 dated 23-05-2013 directed the Executive Engineer, PWD (R&B) Division, Kishtwar to provide detailed report and reasons for not providing the information to the information seeker within the statutory period. The Executive Engineer,

PWD (R&B) Division, Kishtwar was also directed to provide information within two days to the information seeker. The Executive Engineer, PWD (R&B) Division, Kishtwar vide No:EE/R&B/K/1331-32 dated 15-06-2013 informed the District Superintending Engineer, PWD (R&B) Circle, Doda that the requisite information sought by the information seeker does not pertain to his division and requested that matter may be taken up with the Executive Engineer, PWD (R&B) special Sub-Division, Gandoh Bhelassa. Thus, RTI application of the information seeker could not materialize and the information sought by the information seeker remained a teeming illusion and he preferred second appeal before the Commission dated 04-07-2013 alleging therein the denial of information by the PIO/FAA.

After receiving the appeal of the information seeker the Commission vide office notice No:SIC/J/A/174/2013/2938 dated 15-07-2013 directed the Executive Engineer, PWD (R&B) Division, Kishtwar to send counter reply within 7 days from the date of receipt of notice. The matter was listed for hearing on 27-08-2013 and 26-09-2013. Sh. Madan Lal Executive Engineer, PWD (R&B) Division, Kishtwar appeared before the Commission and submitted a letter bearing No:2977-78 dated 23-09-2013 in which he has informed the Commission that the information sought by the information seeker pertains to Executive Engineer, PWD (R&B) special Sub-Division, Gandoh Bhelassa. The Executive Engineer, PWD (R&B) Division, Kishtwar also apprised the Commission that he had already submitted a reply to the District Superintending Engineer, PWD (R&B) Circle, Doda vide office letter No:EE/R&B/K/1331-32 dated 15-06-2013 and requested that matter may kindly be taken up with Executive Engineer, PWD (R&B) special Sub-Division, Gandoh Bhelassa.

Perusal of the aforesaid facts clearly reveals that there is omission/mistake on the part of District Superintending Engineer, PWD (R&B) Circle, Doda while endorsing the RTI application of the information seeker to the Executive Engineer, PWD (R&B) Division, Kishtwar. The District Superintending Engineer, PWD (R&B) Circle, Doda is hereby

directed to rectify this mistake at the earliest and ensure that RTI application of the information seeker reaches to the right destination i.e Executive Engineer, PWD (R&B) special Sub-Division Gandoh Bhelassa. District Superintending Engineer, PWD (R&B) Circle, Doda is further directed to ensure that information is made available to the information seeker within three weeks from the date of receipt of this order under an intimation to the Commission. He is further directed to remain careful and act with circumspection in future while discharging statutory obligations under RTI Act, 2009 and should not repeat such a mistake which violates the fundamental right of a citizen and is fatal to the cause of transparency and accountability envisaged in the RTI Act.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to the:-

1. The First Appellate Authority/ Chief Engineer, PWD (R&B) Jammu.
2. The Public information Officer/ District Superintending Engineer, PWD (R&B) Circle, Doda.
3. The Public information Officer/Executive Engineer, PWD (R&B) Division, Kishtwar.
4. Sh. Mohd. Shafi S/o Sh. Hashim Din R/o Village Trithloo, Tehsil Gandoh Bhalessa, District Doda.

(Khalid A. Shah)
Dy. Registrar
State Information Commission