



**J&K State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520970, 2520937

[www.jksic.nic.in](http://www.jksic.nic.in)

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File No: SIC/J/C/49/2013  
Decision SIC/J/C/49/2013/295

Sh. Bharat Bhushan Sharma	Complainant	Absent
Dr. R.S Charak Dy. Director (Poultry), Directorate of Animal Husbandry Department, Jammu	PIO	Present
Dr. P.K Magotra Former Director, Animal Husbandry Department, Jammu		Present

**Jammu**  
**27-09-2013**

Briefly the facts in this complaint are that Sh. Bharat Bhushan Sharma C/o Disease Investigation Officer, Kathua Animal Husbandry Department, R/o Tara Nagar, Hatli Morh, W. No. 13 Kathua moved an application dated 31-07-2012 under J&K Right to Information Act, 2009 before the PIO /Dr. P.K Magotra, Director, Animal Husbandry Department, Jammu seeking certain information.

The application was sent under a registered cover dated 2-08-2012 whose receipt has been denied by the office of Directorate of Animal Husbandry Department, Jammu. The information seeker feeling aggrieved of inaction on the part of Dr. P.K Magotra, Director, Animal Husbandry

Department, Jammu filed a complaint dated 12-05-2013 before the Commission. The Commission vide notice No: SIC/J/C/49/3493-94 dated 30-08-2013 directed the PIO office of Animal Husbandry Department, Jammu to remain present before the Commission with counter statement and relevant documents on 12-09-2013 at Jammu office for hearing of the complaint filed by the information seeker. In compliance to the direction of the Commission, Dy. Director (Poultry), Directorate of Animal Husbandry Department, Jammu/PIO filed counter statement vide No:DAHJ/P/8154-56 dated 9-9-2013 in which he has stated that as per record of Directorate of Animal Husbandry Department, Jammu no application under RTI Act, 2009 from Sh. Bharat Bhushan Sharma R/o Tara Nagar, Hatli Morh, W. No. 13 Kathua has been received in his office till date. Dr. R.S Charak, Dy. Director (Poultry), Directorate of Animal Husbandry Department, Jammu/PIO also produced the receipt register of 2011-2012 before the Commission for perusal and it was found that no RTI application of the information seeker was received in the office of the Directorate of Animal Husbandry Department, Jammu. Dr. P.K Magotra, Former Director, Animal Husbandry Department, Jammu appeared before the Commission in compliance to the notice of the Commission and denied the receipt of any such RTI application sent by the information seeker in his office. He further apprised the Commission that RTI applications/matters in the office of Director, Animal Husbandry are properly managed and disposed of as per the time frame laid down in the RTI Act, 2009. However, during the course of proceedings the PIO/ Dy. Director (Poultry), Directorate of Animal Husbandry Department, Jammu requested the Commission that in case a photocopy of the RTI application is provided to him, he will provide the requisite information sought by the information seeker.

Perusal of the aforesaid facts shows that there is no negligence or malafide intention on the part of the office of Directorate of Animal

Husbandry Department, Jammu in denying the information to the information seeker however, fact of the matter is that RTI application never reached in the office of Director/PIO. Thus, it cannot be expected from them to provide the information when application is non existent or not available in the office record. Keeping in view the grievance of the information seeker, the photocopy of the RTI application was furnished to the PIO during the course of proceedings so that it can be disposed of expeditiously and without any further delay. In the light of the aforesaid observations and factual status of the matter in hand, the PIO is hereby directed to dispose of the application of the information seeker within 10 days from the date of receipt of this order under an intimation to the Commission. The complainant is advised to approach the appropriate Forum for redressal of grievances raised by him in the complaint filed before the Commission as these are beyond the purview of the Commission and the mandate given under the RTI Act.

The complaint 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:-

1. Public Information Officer / Dy. Director (Poultry), Directorate of Animal Husbandry Department, Jammu.
2. Dr. P.K Magotra, Former Director, Animal Husbandry Department, Jammu.
3. Sh. Bharat Bhushan Sharma C/o Disease Investigation Officer, Kathua Animal Husbandry Department, R/o Tara Nagar, Hatli Morh, W. No. 13 Kathua.

(Khalid. A. Shah)

Dy. Registrar

J&K State Information Commission