



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. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/225/2013

Decision No: SIC/J/A/225/2013/298

Sh. Hari Krishan Present
On behalf of appellant
Smt. Kishni Devi

Sh. Viney Khosla APIO Present
Tehsildar,
Relief Organisation,
Jammu.

Jammu

30-09-2013

Briefly the facts in this appeal are that Smt. Kishni Devi D/o Late Sh. Sansar Chand A/p Paloura, Jammu behind Soap Factory, Khajuria Mohalla, Paloura moved an application dated 20-04-2013 under J&K RTI Act, 2009 before the PIO/Relief and Rehabilitation Commissioner, (Migrants) J&K Jammu seeking certain information for payment of Ex-gratia Relief sanctioned by Dy. Commissioner, Pulwama relating to a residential house which was gutted in fire.

The PIO vide office No:RRCM/PIO/RTI/13/1004 dated 20-05-2013 informed the information seeker that the matter has been taken up with Administrative Department vide office letter No: RRCM/EXGR/01-02 dated 16-01-2013 and as soon as any communication from Administrative

Department is received, further course of action will be accordingly initiated. The information seeker was not satisfied with the information provided to him and she approached the FAA i.e Relief and Rehabilitation Commissioner (Migrant), Relief Organisation, Jammu.

Perusal of record shows that the Ist appeal has not been adjudicated and disposed by the FAA till date. The FAA being a quasi-judicial body is under statutory obligations to dispose of appeals within the statutory periods i.e within 30 days which may be further extended to 15 days for reasons to be recorded in writing. However, in this case the FAA slept over the matter and did not adjudicate within the statutory period which amounts to flagrant violation of fundamental right of the citizen and denial of information as mandated under the RTI Act, 2009. The FAA is reminded of his duty and should treat this order as the wakening call for his future actions under the RTI Act. The appellant thus, feeling aggrieved of inaction on the part of the FAA approached the Commission by filing second appeal dated 05-09-2013 which was listed for hearing on 30-09-2013 at Jammu office. The PIO vide No: RRCM/PIO/RTI/13/1265 dated 26-09-2013 filed counter statement before the Commission in which he has stated that as per the records of his office after receiving the sanctions of these migrants from various Dy. Commissioners, amount was drawn from the Treasury but has been disbursed in favour of other persons in whose favour sanctions were received but amount was not drawn from the treasury.

The PIO further submitted in his counter reply that issue has been taken up with Administrative department and Finance Department requesting therein for issuance of necessary authorization for drawing and disbursing of said amount to the genuine claimants. The PIO also assured the Commission that after receiving further instructions from the Administrative Department, the grievances of the applicants be redressed

accordingly. During the course of proceedings, a copy of the counter statement was also provided to the appellant.

In view of the aforesaid facts and observations, the PIO is further directed to furnish the above-stated information to the information seeker within 10 days from the date of receipt of this order and file compliance report to the Commission.

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 :-

1. First Appellate Authority / Relief and Rehabilitation Commissioner (Migrants), J&K Jammu.
2. The Asstt. Public Information Officer / Tehsildar, Relief Organisation, Jammu.
3. Smt. Kishni Devi D/o Late Sh. Sansar Chand A/p Paloura, Jammu behind Soap Factory, Khajuria Mohalla, Paloura.

(Khalid. A. Shah)
Dy. Registrar
J&K State Information Commission