



Jammu and Kashmir 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/207/2013
Decision No: SIC/J/A/207/2013/305

Sh. Jagdev Singh	Appellant	Absent
V/S		
Sh. R.S. Jain Registrar (Judicial), Hon'ble High Court of J&K, Janipur, Jammu.	PIO	Present

Jammu
07-10-2013

Briefly the facts in this appeal are that Sh. Jagdev Singh S/o Late S. Lachman Singh R/o House No. 45-Extension, Behind New Shakti High School, Janipur Colony, Jammu moved an application dated 14-05-2013 under J&K RTI Act, 2009 before the PIO/Registrar (Judicial), Hon'ble High Court of J&K, Janipur, Jammu seeking the following information:-

1. Is it correct that more than 50% (fifty percent) service matters (Service Writ Petition,) besides civil, criminal and miscellaneous matters are pending adjudication in the Hon'ble High Court of Jammu and Kashmir in the State of Jammu and Kashmir.
2. If it is so, then, is there an acute overburden of service matters (Service Writ Petitions) in particular on the Hon'ble High Court of Jammu and Kashmir?
3. Will the Hon'ble High Court of Jammu and Kashmir like to recommend to govt. to establish a State Administrative Tribunal in the State of Jammu and Kashmir on the pattern of other States of India to deal exclusively, with service matters (Service Writ Petitions) of the persons appointed to Public services and posts in connection with affairs of the State of Jammu and Kashmir, who would go a long way in not only reducing the over burden of Hon'ble High Court of Jammu and Kashmir of the State of Jammu and Kashmir and giving more time to deal with other cases expeditiously but in also providing to

the persons to be covered by the State Administrative Tribunal speedy relief in respect of their grievances.

4. Is it correct that when any matter is admitted by the Hon'ble High Court of Jammu and Kashmir for final hearing, it does not reach the final hearing for years together because at least 10 to 15 service Writ Petitions are daily filed on memo of urgency for early hearing and are listed in Daily supplementary List, which consume much time of the court in passing order thereon, as a result, regular matters of civil, criminal and misc. in particular already listed or orders/admission/final hearing are adjourned as not reached to the Bench due to which litigants suffer a lot.

5. Is it correct that the time being used by the Hon'ble Court in service matters (Service Writ Petitions) can be used for disposing of civil, criminal and misc. matters?

6. Is in public interest, change in the system by assigning the service matters (Service Writ Petitions) from Hon'ble High Court of Jammu and Kashmir to State Administrative Tribunal independently on the pattern of other States of India is required to be considered.

In his appeal dated 23-08-2013 before the Commission, the appellant has alleged that the PIO has failed to provide the intended information and has not taken any decision on his RTI application. The appellant has also alleged that the FAA/Registrar (General), Hon'ble High Court of J&K, Srinagar has not adjudicated and disposed of his 1st appeal till date. The Commission vide notice no. SIC/J/A/207/2013/3508 dated 31-08-2013 requested the PIO to send counter reply to the Commission within 7 days from the receipt of the notice. In compliance to the direction of the Commission, the PIO intimated vide office letter no. 1688 dated 05-09-2013 that the information sought by the appellant has been submitted to the office of worthy Registrar General, High Court of J&K, Srinagar and reply still awaited, as and when the reply is received from the concerned quarter the same shall be supplied to the appellant.

In view of the aforesaid factual matrix of the case, the PIO is hereby directed to take up the matter with the Registrar General, Hon'ble High Court of J&K, Srinagar so that the information sought by the information seeker is furnished to him and his request for information is disposed of expeditiously. The PIO is reminded of the mandate of J&K RTI Act, 2009 wherein the statutory deadline of 30 days is prescribed for disposal of RTI requests. The PIO/Registrar (Judicial), Hon'ble High Court of J&K, Jammu is also directed to 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 the:-

1. First Appellate Authority / Registrar (General), Hon'ble High Court of J&K, Srinagar.
2. Public Information Officer / Registrar (Judicial), Hon'ble High Court of J&K, Jammu.

3. Sh. Jagdev Singh S/o Late S. Lachman Singh R/o House No. 45-Extension, Behind New Shakti High School, Janipur Colony, Jammu.

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