



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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**File No:** SIC-J-A-239 /2013

**Decision No:** SIC-J-A-239/2013/326

Sh. Rashu Kanna	Appellant	Present
Sh. Rajinder Sharma Assistant Commissioner, Relief Organization, Jammu.	PIO	Present

**Jammu  
23-10-2013**

Briefly the facts in this appeal are that Sh. Rashu Kanna R/o. H. No. 579, Near Subhash Nagar P.O Jammu moved an application dated 05-07-2013 under RTI Act, 2009 before the PIO office of the Relief and Rehabilitation Commissioner (M), Jammu seeking the following information:-

1. Total number of (TRTs) constructed at Jammu under the Prime Minister's Rehabilitation and Return Package for the Kashmiri Migrants up to 05-07-2013 only Purkhoo, Muthi and Nagrota/allotment.
2. Total number of (TRTs) constructed under the Prime Minister's Rehabilitation and Return Package for the Kashmiri Migrants up to 05-07-2013 at Township Jagti (Nagrota).

3. Total number of applications received from migrant families for allotment of (TRTs) at Township Jagti (Nagrota) up to 05-07-2013.
4. Total Number of (TRTs) allotted to Kashmiri Migrants up to 05-07-2013 at Township Jagti (Nagrota).
5. Total number of (TRTs) lying vacant under the possession of Executive Engineer Relief Organization/Relief and Rehabilitation Department upto 05-07-2013.

The PIO vide office letter No:RRCM/PIO/RTI/13/1106 dated 22-07-2013 provided point wise detail to the information seeker. The information seeker was not satisfied with the information provided to him and preferred Ist appeal dated 7-08-2013 before the Relief & Rehabilitation Commissioner (M), Jammu which has not been adjudicated and disposed of till date. Thus feeling aggrieved of inaction on the part of the FAA, the information seeker preferred the second appeal before the Commission dated 25-09-2013. After receiving the appeal of the appellant, Commission vide office notice No:SIC/J/A/239/3988 dated 01-10-2013 directed the PIO to send counter reply to the Commission within 7 days from the receipt of the notice and in compliance to the aforesaid notice of the Commission, the PIO vide office letter No: RRCM/PIO/RTI/13/1295 dated 9-10-2013 filed counter statement stating therein that the information sought by the information seeker was provided to him vide office letter No: RRCM/PIO/RTI/13/1106 dated 22-07-2013 within the statutory period. The PIO also enclosed photocopy of the aforesaid letter containing information for perusal of the Commission. Thus, it is evident from the contents of the aforesaid letter that the information as sought by the information seeker was provided to him within the statutory period as laid down in the RTI Act, 2009.

During the course of proceedings held today, the appellant requested that the PIO be directed to provide certified copy of the aforesaid

information as per office record maintained by the Relief Organization, Jammu. Keeping in view the request of the appellant, the PIO is hereby directed to provide certified copy of the information sought by the information seeker in RTI application within 10 days from the date of receipt of this order under an intimation to the Commission.

In back drop of factual matrix of this case, it would be pertinent to comment upon the role of the FAA. The appellant brought to the notice of the Commission that the Ist appeal has not been adjudicated and disposed of by FAA i.e Relief & Rehabilitation Commissioner (M), Jammu despite the lapse of statutory period as prescribed under Section 16(7) of the RTI Act, 2009. The mandate of Section 16(7) of the RTI Act, 2009 reads as under:-

*"An appeal under sub-section (1) or sub-section (2) shall be disposed of within 30 days of the receipt of the appeal or within such a extended period not exceeding a total of 45 days from the date of filing thereof, as case may be, for reasons to be recorded in writing."*

In this case, the FAA has failed to follow the mandate of the RTI Act, 2009 which amounts to flagrant violation of the fundamental right of a citizen. Such an attitude on the part of the FAA is detrimental to the cause of transparency and accountability as stipulated under the RTI Act, 2009. The FAA i.e Relief & Rehabilitation Commissioner (M), Jammu should treat this order as a wakening call and in future dispose of RTI matters within statutory period as mandated under the RTI Act, 2009. Had the FAA performed its quasi-judicial obligation within the statutory period that would have vindicated the right to information of a citizen and would have also saved him from the unwanted rigorous of filing second appeal before the Commission. The FAA is hereby directed to act with care and

circumspection in future while discharging its statutory obligations under RTI Act, 2009.

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. The First Appellate Authority / Relief and Rehabilitation Commissioner (M), Jammu.
2. Public Information Officer / Asstt. Commissioner, Relief Organization, Jammu.
3. Sh. Rashu Kanna R/o H. No. 579, Near Subhash Nagar P.O Jammu.

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