



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No: SIC/J/C/63/2013
Decision No: SIC/J/C/63/2013/346

Sh. Astkhar Ali Khan Advocate	Complainant	Present
Sh. Chanchal Kumar Sharma, Asstt. Director Planning, O/o CEO, Rajouri, on behalf of Chief Education Officer/PIO, Rajouri		Present
Zonal Education Officer, Manjakote.		Absent

Jammu
05-11-2013

Briefly the facts in this complaint are that Sh. Astkhar Ali Khan (Advocate J&K, High Court) S/o Sh. Mohd. Iqbal R/o Mangalnora, Manjakote, Tehsil & Distt. Rajouri moved an application dated 20-06-2013 under J&K RTI Act, 2009 before the APIO/ZEO, Manjakote, Rajouri seeking the following information:-

- 1. Kindly provide the certified copy of communication letter bearing no. ZEO/MK/329-30 dated 27-06-2012 addressed to Chief Education Officer, Rajouri regarding information in SWP No. 1194/2012 decided on 21-05-2012. The said communication was issued under your seal and signature to the*

Chief Education Officer, Rajouri so far it pertains to the aforesaid SWP no. is concerned.

The ZEO, Manjakote failed to provide the requisite information to the information seeker within the statutory period. Thus, feeling aggrieved of inaction on the part of ZEO, the appellant preferred 1st appeal dated 29-07-2013 before the Director School Education, Jammu which has not been adjudicated and disposed of till date. Thus, feeling aggrieved of inaction on the part of the ZEO as well as the FAA, the appellant knocked the doors of the Commission by filing a complaint dated 19-09-2013 wherein he has alleged that no information was provided to him by the concerned ZEO, Manjakote and his 1st appeal still remains subjudice before Director School Education, Jammu and has prayed for imposition of penalty against the ZEO, Manjakote who has deliberately delayed the supply of the information.

After receiving the complaint of the information seeker, the Commission vide notice no. SIC/J/C/63/2012/3964-65 dated 01-10-2013 directed the CEO/PIO, Rajouri & ZEO/APIO, Manjakote to send counter reply to the Commission within 7 days from the receipt of the notice. However, both of them did not comply with the direction of the Commission and the matter was listed for hearing on 24-10-2013 at Jammu office of the Commission. On the said date, the complainant requested for adjournment on the ground that he would not be able to attend the hearing due to his ailment. The CEO, Rajouri informed the Commission telephonically about his inability to attend the hearing due to some official assignment and requested for adjournment. The matter was adjourned and again listed for hearing on 05-11-2013. The ZEO, Manjakote failed to cause his appearance before the Commission despite proper notice from the Commission. However, the complainant appeared before the Commission in person and apprised the Commission that the information as requested by him has been received on 02-11-2013 after a

lapse of about 110 days. The complainant also apprised the Commission that he is satisfied with the information provided to him and submitted that there is unreasonable delay on the part of the ZEO, Manjakote to provide the information. The complainant identified Sh. Shahnawaz Khan present incumbent holding the office of ZEO, Manjakote who is responsible for the delay.

In view of the aforesaid factual matrix of the case, ZEO/APIO, Manjakote Sh. Shahnawaz Khan is hereby directed to show cause why penalty U/s 17 of the J&K RTI Act, 2009 shall not be imposed upon him for causing unreasonable delay in providing the information to the information seeker within two weeks from the date of receipt of this order. Sh. Shahnawaz Khan, ZEO/APIO, Manjakote is further directed to show cause why fine shall not be imposed upon him under Section 15 of the J&K RTI Act, 2009 read Section 32 of Code of Civil Procedure, 1977 (Samvat) for his failure to appear before the Commission on the date of hearing within two weeks from the date of receipt of this order failing which the Commission shall initiate action as permissible under rules.

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 the:-

1. Public Information Officer / Chief Education Officer, Rajouri.
2. Zonal Education Officer, Manjakote.
3. Sh. Astkhar Ali Khan (Advocate J&K, High Court) S/o Sh. Mohd. Iqbal R/o Mangalnora, Manjakote, Tehsil & Distt. Rajouri

(Khalid. A. Shah)

Dy. Registrar

State Information Commission