



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/A/253/2013
Decision No: SIC/J/A/253/2013/351

Sh. Ashfaq Ahmed Wani	Appellant	Present
Sh. Tahir Qayoom Malik Block Development Officer, Thathri.	PIO	Present

Jammu
07-11-2013

Briefly the facts in this appeal are that Sh. Ashfaq Ahmed Wani R/o Marmat Doda C/o Butt Milk products, Bus Stand, Doda moved an application dated 03-06-2013 under J&K RTI Act, 2009 before the PIO/Block Development Officer, Thathri seeking the following information:-

- 1. Detailed information of work done, work wise progress report, year wise expenditure i.e. 2009-10, 2010-11, 2011-12 Panchayats Charallah and Sunarthwah.*
- 2. Provide plan copy of all schemes.*
- 3. Total released funds, expenditure of work wise panchayats namely Charallah and Sunarthwah.*
- 4. Issued cheque material skilled sec. panchayats.*
- 5. Photostat copy of cash book.*
- 6. Cement detailed work wise indent copy.*
- 7. List of solar lights, distribution of solar lights and list of beneficiaries. (Panchayat Charallah and Sunarthwah.)*
- 8. Beneficiaries of Ration Card, copies attested by BDO concerned, Photostat copies of above mentioned record.*

After receiving the application of the information seeker, PIO/BDO, Thathri directed him to deposit an amount of Rs. 15,750/- as cost of the information. The information seeker deposited the said amount through cheque bearing no. 696441 dated 08-07-2013 in the office of PIO/BDO, Thathri. However, the information seeker did not receive any information and was thus constrained to approach the Director Rural Development Department, Jammu by filing 1st appeal dated 18-07-2013. The FAA/Director, RDD, Jammu vide order no. DRDJ/RTI-293/2013/8623-27 dated 01-08-2013 directed the PIO/BDO, Thathri to provide the requisite information to the information seeker free of cost within 10 days through registered post and also warned him to remain careful in future while dealing cases pertaining to RTI Act. Despite the order of the FAA/Director, RDD, Jammu, PIO/BDO, Thathri failed to provide the information to the information seeker.

Thus, feeling aggrieved of inaction on the part of the PIO/BDO, Thathri, the appellant preferred 2nd appeal dated 18-10-2013 before the Commission. The matter was listed for hearing on 07-11-2013 at Jammu office of the Commission. During the course of proceedings, the PIO/BDO, Thathri submitted before the Commission that partly the information has been furnished to the information seeker however rest of the information was in the custody of Secretary who has been transferred in a different block and requested several times to handover the record, so that the information could be furnished to the information seeker. The PIO/BDO, Thathri further submitted that only yesterday the concerned Secretary visited his office and has handed over the charge. The PIO/BDO, Thathri assured the Commission that now it will be feasible to provide the requisite information to the information seeker without any further delay. As there is delay on the part of the PIO to provide the requisite information to the information seeker, thus the cost of information which he has charged from the information seeker is contrary to the provisions of RTI Act, 2009 and the said amount needs to be refunded to the information seeker. On the direction of the Commission, the PIO/BDO, Thathri returned the cheque to the information seeker during the course of proceedings and assured the Commission that he will provide the information to the information seeker free of cost within 10 days and in case the information seeker wants to inspect the record in his office he will be provided the facility to do the same.

Keeping in view the aforesaid facts and observations, the PIO/BDO, Thathri is hereby directed to furnish the requisite information to the information seeker free of cost within 10 days from the date of pronouncement of this order under an intimation to the Commission and also allow him an opportunity to inspect the record in his office on a working day during office hours. The parties are directed to settle the date and time for inspection of record which would be convenient to both of them. The PIO/BDO, Thathri is further 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. Public Information Officer / Sh. Tahir Qayoom Malik, Block Development Officer, Thathri.
2. Sh. Ashfaq Ahmed Wani R/o Marmat Doda C/o Butt Milk products, Bus Stand, Doda.

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