



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/C/55/2013
Decision No: SIC/J/C/55/2013/352

Sh. Ram Lal Kotwal	Complainant	Present
Sh. Rakesh Kumar Asstt. Commissioner Development, Doda.	PIO	Present
Sh. Tahir Qayoom Malik Block Development Officer, Thathri, Doda.	PIO	Present

**Jammu.
11-11-2013**

Briefly the facts in this complaint are that Sh. Ram Lal Kotwal S/o Late Sobha Ram R/o Village Paneja, Tehsil Thathri, Distt. Doda moved an application under the J&K RTI Act, 2009 before the PIO /Block Development Officer, Doda seeking the following information:-

- i. How many funds allotted for the Construction of Kul Saroor and how many amount spent on it.*
- ii. How many funds allotted for the Construction of C-Path Kothi Pain to Astan Shrief and how many amount spent on it.*
- iii. How many funds allotted for the catch water, water drain banzan, nallah to thanda Pani Part I and part II and how many amount spent on it.*
- iv. How many funds allotted for the C-path from Khash Mohalla to beer Debta/kothi pain and how many amount spent on it.*

- v. *How many funds allotted for LAND LEVELLING IN RESPECT OF Panchayat Poneja Block Thathri, Doda and how many amount spent on it.*
- vi. *Sent the photocopies of the invoices.*
- vii. *Sent the photocopy of Bills drawn for construction of the above said development works for the year 2010-2011 with T.R Number and Date.*
- viii. *Material payment, sheet payment and cheques issued.*

The information seeker did not receive any information from the PIO within statutory period and he preferred appeal dated 10-11-2012 before the ACD, Doda. After that the appellant approached the Commission by filing 2nd appeal dated 14-01-2013. The appellant was advised vide office letter no. SIC-J-D/11/504 dated 29-01-2013 to file 1st appeal before the 1st Appellate Authority i.e. Director, Rural Development Department, Jammu. The appellant was further advised that in case he feels aggrieved of the decision of the FAA then he may file a complaint or 2nd appeal before the Commission U/s 15 or 16 of J&K RTI Act, 2009 which is a proper procedure under the Act. The perusal of the facts shows that the appellant had file 1st appeal before the ACD, Doda who is not competent to hear the same being inferior to FAA i.e. Director, RDD, Jammu. The 2nd appeal of the appellant was treated as a complaint by the Commission as he had chosen the wrong forum of ACD, Doda for the purpose of filing 1st appeal. The matter was listed for hearing before the Commission on 30-07-2013, 27-08-2013, 28-10-2013 and 11-11-2013. On most of the hearings appellant was absent and he could only attend the hearing which was held on 11-11-2013. During the course of hearing held today, ACD, Doda, BDO, Thathri and the appellant were present before the Commission. The BDO, Thathri apprised the Commission that the information was sent to the information seeker vide office letter no. BDO/T/2013-14/169-70 dated 04-11-2013 under a registered cover. The BDO, Thathri further informed the Commission that the complainant was time and again asked to attend his office for

depositing the photocopying charges as cost of the information so that the information sought could be delivered to him within the statutory period, but he did not bother to attend his office and rather approached the higher authorities for redressal of his grievances. In view of the aforesaid facts, the RTI application of the information seeker stands already disposed of and the information requested by him has been furnished and as such no further direction in the matter is required. The perusal of the facts leads to the conclusion that there is no malafide on the part of the BDO, Thathri to delay or deny the information to the information seeker.

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:

3. Public Information Officer / Asstt. Commissioner Development, Doda.
4. Sh. Tahir Qayoom Malik, Block Development Officer, Tathri.
5. Sh. Ram Lal Kotwal S/o Late Sobha Ram R/o Village Poneja, Tehsil Thathri Distt. Doda.

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