



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

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File No: SIC/J/A/248/2013

**Decision No: SIC/J/A/248/2013/368**

Sh. Pritam Singh Saini	Appellant	Present
Sh. Naresh Kumar Secretary, Municipal Corporation, Jammu.	PIO	Present
Sh. Satish Khajuria Chief Enforcement Officer, Municipal Corporation, Jammu.		Present

**Jammu**  
**28-11-2013**

Briefly the facts in this appeal are that Sh. Pritam Singh Saini, Editor, Daily Nawa-i-Waqat, Azeem English Paper, Lower Muthi, Akalpur Morh Chowk, P.O Udhewala, Tehsil and District, Jammu moved an application dated 03-05-2013 before the PIO/ Secretary, Municipal Corporation, Jammu under J&K RTI Act, 2009 whereunder he sought certain information relating to site plans for construction of houses in Channi Himmat Housing Colony, Jammu.

The PIO furnished the requisite information to the information seeker within the statutory period. However, the information seeker was not satisfied with the information provided to him and preferred Ist appeal before the FAA i.e Commissioner, Municipal Corporation, Jammu. During the course of proceedings held today before the Commission, the information seeker has alleged that FAA has not adjudicated and disposed of the Ist appeal. Thus, feeling aggrieved of

inaction on the part of the FAA, he preferred second appeal before the Commission. The PIO/Secretary, Municipal Corporation, Jammu also submitted before the Commission that Ist appeal has not been adjudicated and disposed of till date.

Keeping in view the submissions of the appellant, PIO and the mandate of section 16 (7), the matter is remanded to the FAA with a direction to dispose it of on merit after affording an opportunity of being heard to both the parties within two week's from the date of receipt of this order under an intimation to the Commission.

It would not be out of place to remind the FAA of its duty as provided in section 16(7) which is as under:-

**“ An appeal under sub-section 1 or sub-section 2 shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing”**

The FAA being a quasi-judicial authority is under statutory obligation to dispose of RTI matters within the statutory period as mandated above. Perusal of the facts in this case reveals that the FAA failed to discharge its statutory obligation which amounts to flagrant violation and denial of fundamental right to a citizen. The FAA is hereby directed to remain cautious and act with care and circumspection while handling the RTI matters so that the regime of transparency and accountability as envisaged in the Right to Information Act, 2009 is sustained in order to contain corruption and to hold Government and its instrumentalities accountable to the governed.

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. First Appellate Authority / Commissioner, Municipal Corporation, Jammu.
2. Public Information Officer / Secretary, Municipal Corporation, Jammu.
3. The Chief Enforcement Officer, Municipal Corporation, Jammu.
4. Sh. Pritam Singh Saini, Editor, Daily Nawa-i-Waqat, Azeem English Paper, Lower Muthi, Akalpur Morh Chowk, P.O Udhewala, Tehsil and District, Jammu.

Khalid A Shah  
Dy. Registrar  
State Information Commission