



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/A/258/2013

Decision No: SIC/J/A/258/2013/370

Sh. Shashi Paul Sharma
Through
Sh. Kovid Khosla
Advocate, J&K High Court

Appellant

Present

Sh. Anshu Mali
Asstt. Director,
CA&PD, Samba.

PIO

Present

Sh. Sahil Sharma
Tehsil Supply Officer,
Samba.

APIO

Present

**Jammu.
26-11-2013**

Briefly the facts in this appeal are that Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu and his associate Sh. Shashi Paul Sharma moved an application dated 22-05-2013 under the J&K RTI Act, 2009 before the PIO, Asstt. Director CA&PD, Nandani Hills, Samba whereunder he sought the following information:-

- A. Photocopy of the D-form of Reeta Devi W/o Sohan Lal R/o Kalwal Tehsil and District Samba for the year 2008-2009.
- B. Photocopy of the APL ration card register pertaining to Reeta Devi W/o Sohan Lal R/o Kalwal Tehsil and District Samba for the year 2008-2009.

The PIO/Asstt. Director, CA&PD Samba vide office No:ADCAPD/S/2013-14/287-88 dated 25-07-2013 furnished some information to the information seeker containing two leaves as enclosures. However, the information seeker was

not satisfied with the information provided to him and preferred 1st appeal dated 29-06-2013 before the Director, CA&PD Jammu which was disposed of vide Order No:169/G/RTI/Appeal-22/2737-38/G dated 29-07-2013. The FAA in its order observed that **"PIO/AD CA&PD, Samba informed that due to oversight he could not provide the desired information to the appellant in time and have assured the FAA, that the desired information shall be provided to the appellant within two days positively under an intimation to his office."**

The information seeker feeling aggrieved of the aforesaid order and the information provided by the PIO, filed second appeal dated 11-10-2013 before the Commission in which he has alleged that PIO has failed to provide the requisite and correct information within prescribed time as sought by them. The Commission after receiving the second appeal, issued notice vide No:SIC/J/A/258/2013/4223-24 dated 24-10-2013 directing the PIO to send counter reply to the Commission within 7 days from the receipt of the notice. The matter was listed for hearing on 8-11-2013 and PIO/AD, CA&PD, Samba and TSO, Samba were directed to remain personally present alongwith office record on next date of hearing. The TSO Samba was also directed to file an affidavit in support of his contentions. The matter was adjourned and again listed for hearing on 26-11-2013. The TSO Samba filed an affidavit as well as counter reply to the Commission.

Perusal of the contents of the affidavit as well as the information furnished by the TSO Samba vide office No:TSO/S/13-14/1037 dated 25-07-2013 reveal that in the APL Ration Card register, the name of Smt. Reeta Devi W/o Sohan Lal R/o Kalwal Tehsil and District Samba having Ration Book No:426042 figures which is self-contradictory vis-à-vis the information provided by the TSO Samba wherein he has stated that as per office record available no ration Card stands issued in favour of Smt. Reeta Devi. The TSO Samba has further submitted in the affidavit that name of Smt. Reeta Devi stands included in the Ration Card issued on the name of Sh. Thoru Ram, her father-in law bearing book No:429479 mentioned at S. No: 229 of village Malani on the basis of surrender certificate produced by Smt. Reeta Devi issued by TSO, CA&PD Hiranagar. Thus, the

information provided to the information seeker and statement made on oath in the affidavit by TSO Samba is self-contradictory and needs to be inquired into by the superior officer who exercises superintendence and control over the office of TSO Samba.

In the given factual matrix of the matter in hand, the case is referred to Director, CA&PD Jammu with a direction to inquire into the matter in order to ascertain the veracity of ration card issued in favour of Smt. Reeta Devi W/o Sh. Sohan Lal and fix up responsibility of the official concerned for appropriate action under service rules applicable to him. The Registrar is directed to endorse a copy of this order to Director, CA&PD Jammu alongwith necessary enclosures for further necessary action at his end.

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 / Director, CA&PD Jammu.
2. Public Information Officer / Asstt. Director, CA&PD, Jammu.
3. The Tehsil Supply Officer, Samba.
4. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.
5. Sh. Shashi Paul Sharma

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