



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/283/2013

Decision No SIC/J/A/283/2013/377

Dr. Amit Sharma	Appellant	Present
Sh. Rajesh Sharma Section Officer (Legal) SMVDU University, Katra.	PIO	Present

**Jammu
04-12-2013**

Briefly the facts in this appeal are that Dr. Amit Sharma, Assistant Professor, SALD, SMVDU, Katra S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu moved an application dated 13-05-2013 before the PIO, SMVD University, Katra under J&K Right to Information Act, 2009 whereunder he sought the following information:-

- 1. Copy of the relevant university rule; that allows for double locking and sealing of room (without any prior intimation by the Competent Authority) of a faculty member by any university official with the HVC out of station when the connected suspension order is subjudice in the Hon'ble J&K High Court for nearly last 10 months and when prayer for vacation of same room made by the Registrar has not been accepted by the Hon'ble JK High Court.*
- 2. Name and designation of the official who acted as Competent Authority for double locking and sealing room under associated circumstances as described at S.No. (1) in case of official room (R-2) allotted to u/s, when HVC was out of station. A copy of official order vide which he/she acted as such Competent Authority for sealing and double locking my room.*

3. *Copy of official order issued by the Competent Authority to Dean COE, Registrar, Security Officer/any other official for double locking and sealing room R-2 allotted to the u/s, without any intimation.*
4. *A copy of complete file nothings in this regard as it exists in the University Record in concerned file.*
5. *Time, date, name & designation of the person/persons who double locked and sealed locked the room of u/s, copy of official order issued to him for double locking and sealing and name of persons in presence of whom he/she double locked and sealed my room, in between the time when HVC was out of station since 07-05-2013 (Evening) to 09-05-2013(F/N).*
6. *Copy of all the official communications made by Raj Bhawan in regard to double locking and sealing of my room to SMVDU, till the date of making reply by the PIO.*
7. *Copy of all the official communications made to Raj Bhawan in regard to sealing and double locking of my room by SMVDU, till the date of making reply by the PIO.*
8. *Action taken by the HVC including his noting and other associated notings made by the officials of the University working in administration, in response to the letter No. SMVDU/SALD/2013/AS(AP)/95 dated 08-05-2013 and SMVDU/SALD/2013/AS(AP)/96 dated 10-05-2013 as submitted by the U/s; till the date of making reply by the PIO.*

The PIO vide office letter No:SMVDU/PIO/13/470 dated 11-06-2013 informed the information seeker that the information sought is germane to the ongoing disciplinary proceedings initiated by the University against him and cannot be disclosed as being covered under exemption provided in Section 8(1)(i) of J&K RTI Act, 2009. Thus, feeling aggrieved of the order of the PIO, the information seeker preferred appeal before the FAA i.e Registrar, SMVDU which was disposed of vide order No:SMVDU/Reg/RTI/Ist appeal/13/79-80 dated 20-08-2013 with the observation that the decision of the PIO, SMVDU is based on facts and law with supportive orders/guidelines of CIC on the subject matter and does not require any interference at the Appellate level. The appellant feeling aggrieved of the order of the PIO as well as FAA knocked the doors of the Commission by filing second appeal dated 25-10-2013 in which he has alleged inter-alia that the information sought is not personal but it is related to the action of a public servant inclined towards causing contempt of the Hon'ble High Court during the course of public

activity and to victimize the applicant for exposing various irregularities in the University.

The Commission after receiving the second appeal of the appellant directed the PIO to file counter statement within 7 days from the date of receipt of the notice and in compliance to the direction of the Commission, the PIO submitted counter reply vide office No:SMVDU/PIO/2nd appeal/13/643-44 dated 2-12-2012 and the matter was listed for hearing on 4-12-2013 at Jammu office of the Commission and both the parties were present during the course of hearing. After going through the second appeal of the appellant and counter statement filed by the PIO, the Commission is of the considered opinion that the information sought by the information seeker shall be made available to him provided it exists in material form and is part of the office record.

In view of the aforesaid observations, the PIO is hereby directed to provide the requisite information to the information seeker subject to its availability in office record within 10 days from the date of receipt of this order under an intimation 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 :-

1. First Appellate Authority/Registrar SMVDU University Katra.
2. Public Information Officer / Sh. Rajesh Sharma, Section Officer, SMVDU University Katra.
3. Dr. Amit Sharma S/o Sh. Rajesh Sharma R/o Nai Basti Kana Chak, Akhnoor Road Jammu.

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