



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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**File No:** SIC/J/A/270/2013

**Decision No:** SIC/J/A/270/2013/390

Sh. Zulafkar Ali	Appellant	Absent
Sh.N.N Raina Executive Engineer, Hydraulic Division, Kishtwar.	PIO	Present

**Jammu**  
**20-12-2013**

Briefly the facts in this appeal are that Sh. Zulafkar Ali S/o Ghulam Hassan R/o Dool Kishtwar, Tehsil and District Kishtwar moved an application dated 05-08-2013 before the PIO/ Executive Engineer, Hydraulic Division, Kishtwar under J&K RTI Act, 2009 whereunder he sought the following information:-

1. Full detail of works allotted to contractor Zulafkar Ali Butt bearing Registration No:CE/CI&D/Z-13/DEE/202-03 (Civil) from year 2010-11, 2011-12, 2012-13 and 2013-14 upto 31-07-2013.
2. Detail of payments made to contractor Zulafkar Ali Butt bearing Registration No:CE/CI&D/Z-13/DEE/202-03 (Civil) on account of execution of work for the period 2010-11, 2011-12, 2012-13 and 2013-14 upto 31-07-2013.
3. Copies of detailed estimates and bills of all work allotted and executed by the contractor Zulafkar Ali Butt contractor bearing Registration No: CE/CI&D/Z-13/DEE/202-03 (Civil) for the period 2010-11, 2011-12, 2012-13 and 2013-14 upto 31-07-2013.

4. Copies of detailed estimate and drawings of works i) Construction of Flood Protection work at Dool Nallah SPOT'C' (NABARD) and ii) Construction of Flood Protection work at Dool Nallah near House of Mohd. Aslam Butt at Kralpora (NABARD) and iii) construction of Mandri Khul RD 1175-1325 Mtrs.
5. Full detail of contractor in whose favour the Lift Scheme work of Kishtwar has been allotted.

The appellant has alleged in his second appeal before the Commission that the PIO refused to receive his RTI application and consequent upon that the same was sent under a registered cover. The appellant has further alleged that he visited the office of the respondent several times thereafter, but no information has been provided to him till date. Perusal of the record shows that appellant has also filed Ist appeal with the FAA i.e Superintending Engineer, Hydraulic Circle, Doda on 10-09-2013 which has not been adjudicated and disposed of till date.

Such an attitude on the part of FAA is detrimental to the cause of transparency and accountability as envisaged in the RTI Act, 2009 and also amounts to flagrant violation of an important fundamental right of a citizen. The Superintending Engineer, Hydraulic Circle, Doda is hereby directed to act with care and circumspection while handling RTI matters and adhere to the statutory deadline as laid down in the J&K RTI Act, 2009.

During the course of proceedings held today, the PIO/Executive Engineer, Hydraulic Division, Kishtwar apprised the Commission that the information seeker was requested to visit his office and explain the contents of his RTI application and accordingly he paid a visit to his office and explained in detail the contents of the information requested by him. The PIO assured the Commission that information will be dispatched to the information seeker within the period of 10 days. The appellant was also contacted on telephone by the office of the Commission and he apprised that he visited the office of the PIO who has assured him to provide the requisite information sought in the RTI application.

Keeping in view the aforesaid facts and observations, the PIO is hereby directed to furnish the requisite information to the information seeker as sought by him in his RTI application and as available in office record free of cost within 10 days from the date of receipt of this order under an intimation to the Commission. Prima-facie it appears that there is delay on the part of the PIO/Executive Engineer, Hydraulic Division, Kishtwar in providing the information to the information seeker. He is hereby directed to show cause why penalty under section 17 of J&K RTI Act, 2009 may not be imposed upon him for his failure to furnish the requisite information within the statutory period. The PIO is further directed to file reply within two weeks from the date of receipt of this order.

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 :

- a. The First Appellate Authority/ Superintending Engineer, Hydraulic Circle, Doda
- b. Public Information Officer / Executive Engineer, Hydraulic Division, Kishtwar.
- c. Sh. Zulafkar Ali S/o Ghulam Hassan R/o Dool Kishtwar, Tehsil and District Kishtwar.

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