



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-04-Oct.2011

Decision No: SIC/C-04-Oct.2011/391

Sh. Abdul Majid Malik Complainant

Sh. Nazir Ahmad,
The then ZEO Marwah,
C/o CEO Kishtwar.

Jammu

20-12-2013

Sh. Abdul Majid Malik S/o Lt. Nisarullah Hali, All J&K Patron Dehati Union Sarkoot, Kishtwar had filed an RTI application before Chief Education Officer, Kishtwar under J&K RTI Act, 2009 on 29-07-2011 seeking the following information:-

Copy of Transfer Order of RET Teacher namely Mtr. Shabina Begum and Mehmooda Begum from PS Hanayan and PS Dhari Nowpachi Marwah.

Chief Education Officer, Kishtwar transferred the RTI application to ZEO Marwah in original within the prescribed period as information was in his custody. The ZEO Marwah denied the information under the pretext that the records were lying with Director School Education and Vigilance Organisation. However, the PIO/Chief Education Officer, Kishtwar put his efforts in collecting the information from ZEO Kishtwar and Headmaster Higher Secondary School, Dedhpeth and provided the information to the information seeker on 30th September, 2011. The CEO Kishtwar has identified ZEO Marwah as defaulter for not furnishing the information to the information seeker within the statutory period. ZEO Marwah was directed to explain

within two weeks why penalty u/s 17 of RTI Act, 2009 be not imposed upon him for not furnishing rather suppressing the information to the information seeker within two weeks in pursuance of this Commission Order dated 04-1-2012. ZEO Marwah failed to file reply within two weeks as directed by the Commission vide Order dated 4-01-2012 and was reminded to tender the reply on 9-04-2012 and 10-09-2012. Accordingly the show cause notice was issued to ZEO Marwah vide No: SIC/C-04-Oct.2011-4995-98 dated 26-09-2012 wherein then ZEO Marwah was directed to explain why penalty under section 17 be not imposed on him for not providing information to the information seeker within the statutory period as specified in J&K RTI Act, 2009. Then ZEO Marwah was directed to submit reply within 15 days from the issuance of this notice. The show cause notice was served upon him through CEO Kishtwar. Then ZEO Marwah failed to submit its reply to the show cause notice, accordingly reminder was issued to then ZEO Marwah for filing of reply to the show cause notice issued on 26-09-2012. The Commission till date has not received any reply from then ZEO Marwah. The information was provided to the applicant on 30th of September, 2011. The delay caused in providing the information to the information seeker is of 27 days i.e. 2-09-2011 to 29-09-2011 which comes out to be 27 days. As such he is liable to be penalized u/s 17 of J&K RTI Act, 2009.

The penalty to be imposed on the PIO is calculated as under:-

1. Date of application u/s 6 of J&K RTI Act, 2009 for seeking information is 29-07-2011.
2. Due date of passing order by PIO under section 7 is 28-08-2011.
3. Information provided to information seeker on 30-09-2011.
4. Delay in providing information to information seeker (Number of days) = 27 days.
5. Penalty to be imposed for each day is Rs. 250/-

27 days X Rs.250 (per day) = 6,750/-

The total amount of penalty as such is **Rs.6,750/-** is imposed upon Sh. Nazir Ahmed Farash, the then ZEO Marwah presently posted ZEO Rehami Dagiwachi.

The Drawing and Disbursing Officer,(DDO) in the office of Chief Education Officer, Baramulla will ensure deduction of Rs. 6,750/- from the salary of Sh. Nazir Ahmed Farash the then ZEO Marwah presently posted ZEO Rehami Dagiwachi in two

equal installments and remit it to the Government Account with an intimation to this Commission. In case of any default committed by the DDO in this regard, he (DDO) will be personally liable for making the payment toward the Government Account. The order has to be complied within 15 (Fifteen) days from the date of its receipt.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:-

1. Public Information Officer/Chief Education Officer, Kishtwar/Baramulla.
2. Sh. Nazir Ahmad the then ZEO Marwah presently posted as ZEO Rehami Dagiwachi, Baramulla.
3. The Drawing and Disbursing Officer(DDO) in the office of Chief Education Officer, Baramulla.
4. Sh. Abdul Majid Malik S/o Lt. Nisarullah Hali, All J&K Patron Dehati Union Sarkoot, Kishtwar.

(Khalid. A. Shah)

Dy. Registrar

State Information Commission