



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

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www.jksic.nic.in

File No: SIC-J-A-56-2012

Decision No. SIC-J-A-56-2012/66

Sh. Bodh Raj

..... Appellant

Dr. G.J. Singh

..... PIO

Assistant Commissioner (Revenue)
Jammu.

25-03-2013

This order shall dispose of the penalty proceedings initiated against Dr. G.J. Singh, PIO O/o Deputy Commissioner, Jammu. Brief facts of the case are that one Mr. Bodh Raj filed an RTI application before the then PIO for the office of the Deputy Commissioner, Jammu. The information was not provided to him within a statutory period of 30 days. Aggrieved of inaction on the part of the PIO, the said Sh. Bodh Raj filed 1st Appeal before FAA / Deputy Commissioner, Jammu on 11-02-2012 but the 1st appeal filed by the appellant was not disposed of within a statutory period prescribed there for. Appellant then filed 2nd appeal before the Commission on 20-04-2012. The appeal was heard on 07-06-2012. During the course of hearing the PIO informed the Commission that the information had been provided to the appellant vide letter no. DCJ/PIO/RTI/2012/8/1309-18 dated 04-05-2012. The appellant also admitted the receipt of the information but stated that he has been denied access to the information as sought by him in his RTI application. Necessary direction was passed and PIO was directed to provide access to the record to the appellant. Since there was delay in providing the information to the

appellant, a notice was issued to the PIO directing him to show cause as to why penalty may not be imposed on him for causing delay in providing the information to the appellant.

The PIO has submitted his reply vide nos. DCJ/PIO/RTI/2012-13/4246 dated 16-01-2013 and DCJ/PIO/RTI/2012-13/4280 dated 12-03-2013. In his reply the PIO has stated the information sought by the information seeker was for the period preceeding 10 years. He has further stated that efforts were made and the complete information was provided to the information seeker. He has further stated that he had joined the office on 28-03-2012 as such delay caused prior to that period cannot be attributed to him. He has further stated that when he received a notice from Deputy Commissioner, Jammu he took cognizance of the application and information was prepared and dispatched to the information seeker vide no.DCJ/PIO/RTI/2012-13/1209-10 dated 04-05-2012. He has further prayed that penalty proceedings initiated against him be dropped.

I have gone through the reply submitted by the PIO, since he has joined the office on 28-03-2012, delay prior to that cannot be attributed to the present PIO. Further after receiving notice from D.C. Jammu, he has shown promptness in furnishing the information to the information seeker. Thus, he has succeeded in showing that there was no unreasonable delay on his part in providing the information to the information seeker. In view of the observations made here-in-above penalty proceeding initiated against PIO O/o Deputy Commissioner, Jammu is hereby dropped.

Sd/-
(Dr. S.K. Sharma)
State Information Commissioner