



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

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Old Assembly Complex, Srinagar. Fax No. 0194-2484268, 2484269

www.jksic.nic.in

File No: SIC-J-A-27/2013

Decision No: SIC-J-A/27/2013/73

Sh. Anit Singh	Appellant	Absent
Sh. K.L. Sharma ACD, Doda.	PIO	Present
Sh. Surinder Singh, VLW, I/C Insp. Panchayats, Thathri Representative of Sh. Akhtar Qazi BDO, Thathri / PIO.		Present

**Jammu
02-04-2013**

Briefly the facts in this appeal are that Sh. Anit Singh S/o Sh. Puran Chand Vill. Puneja, Tehsil Thathri District Doda moved an application dated 03-10-2012 under J&K Right to information Act, 2009 before the PIO office of the Block Development Officer, Thathri Doda seeking the following information:-

- 1. Kindly provide the copies of the plan for the year 2009-10, 2010-11 and 2011-12 under the schemes MG-NREGA, BRGF, JAY particularly total No. of bathrooms allotted ward wise in panchayat puneja Block Thathri separately under APL, BPL, ANTOTYA and other beneficiaries without ration cards funds allotted, amount drawn, copies of the invoices, Sheet Payments and material (cheque as well as cash) in all the wards of the panchayat Puneja.*
- 2. Also provide the detailed list of the works executed in the schemes mentioned above for the year 2009-10, 2010-11, 2011-12 and the payments made according to sheet payments and material (cheque as well as cash) in all the wards of the panchayat Puneja.*

Sh. Masood Qazi BDO, Thathri (as he then was) did not respond to the request of the information seeker within the statutory period. Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker preferred 1st appeal before the Assistant Commissioner Development, Doda on 26-11-2012. However, ACD, Doda is not a designated 1st Appellate Authority under the J&K RTI Act, 2009 whereas the Director Rural Development, Jammu is the FAA under the Act. The information seeker chose the wrong forum for filing 1st appeal. The ACD, Doda was not competent to adjudicate and dispose of the matter which remained unheard till date.

The information seeker preferred 2nd appeal dated 06-02-2013 before the Commission praying therein inaction on the part of the PIO and FAA. After receiving 2nd appeal, the Commission issued notice bearing no. SIC/J/A/27/2012/974-75 dated 26-2-2013 to ACD / PIO, Doda & BDO / PIO, Thatri to send counter reply to the Commission within 7 days from receipt of the notice. The matter was listed for hearing on 02-04-2013 vide notice bearing no. SIC/J/A/27/2013/1238-40 dated 14-03-2013. The ACD, Doda and Sh. Surinder Singh VLW, insp. Panchayats representative of Sh.Akhtar Qazi BDO, Thathri vide authority letter no. BDOT/4510-12 dated 01-04-2013 appeared in person before the Commission and apprised the Commission that the information as requested by the information seeker has been prepared by the office of the BDO, Thathri and the information seeker has been requested to collect the same from the office of the BDO, Thathri vide letter no. ACDD/RTI/Comp/2012-13 dated 14925-26 dated 06-12-2012. But the information seeker has not turned up till date to collect the information.

The perusal of the documents on record show that there is a delay on the part of BDO's, Thathri in furnishing the information to the information seeker. Sh. Masood Qazi BDO, Thathri(as he then was) now stands transferred to Kishtwar as a BDO since 17-01-2013 and the new incumbent Sh. Akhtar Qazi has since taken over the charge of BDO, Thathri. Thus, there is a delay on the part of the present incumbent as

well as his predecessor in providing the information to the information seeker. Both of them are hereby directed to show cause why penalty U/s 17 of the J&K RTI Act, 2009 shall not be imposed upon them within two weeks from the date of pronouncement of this order. The present incumbent Sh. Akhtar Qazi BDO, Thathri is hereby directed to furnish the information to the information seeker as available in the office record free of cost within two weeks from the date of pronouncement 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 the:-

7. Public Information Officer / Sh. K.L. Sharma Asstt. Commissioner Development, Doda.
8. Public Information Officer / Sh. Akhtar Qazi Block Dev. Officer, Thathri.
9. Sh. Anit Singh S/o Sh. Puran Chand Vill. Puneja, Tehsil Thathri District Doda.
10. Guard File.

(M.S Shah)
Registrar,
State Information Commission