



## **Jammu and Kashmir 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](http://www.jksic.nic.in)

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File No: SIC/J/C/07/2013

Decision No. SIC/J/C/07/2013/85

Sh. Yoginder Kandhari  
(Lt. Col Retd.)

Complainant Present

Dr. G.J Singh  
Assistant Commissioner (Revenue),  
O/o Deputy Commissioner,  
Jammu.

APIO Present

Jammu  
09-04-2013

Briefly the facts in this complaint are that Shri Yoginder Kandhari (Lt. Col Retd.) R/o 36, Lower Laxmi Nagar, Sarwal Jammu moved an application dated 08-11-2012 under J&K State RTI Act, 2009 before the PIO O/o Deputy Commissioner, Jammu for seeking certain information relating to Kailash Vidhya Dham Ashram, Chinore, Jammu near Bantalab, Jammu.

The information seeker in his complaint before the Commission has alleged that the information provided by the PIO is not as per his RTI application and prayed for furnishing him a location/layout map with reference to important landmarks in the vicinity and the dimensions of the plot of land occupied by the premises of Kailash Vidhya Dham Ashram, Chinore, Jammu as existed on the date of application. Thus, being aggrieved he filed an appeal dated 14-12-2012 before the First Appellate Authority which has till date not been adjudicated and disposed of by the FAA. The FAA being a quasi judicial authority is under

statutory obligation to dispose of appeals under J&K RTI Act, 2009 after affording an opportunity of being heard to the PIO and the information seeker. The FAA is also required to pass reasoned and speaking orders and a failure on the part of the FAA to perform its statutory duty amounts to violation of an important fundamental right of the citizen.

The APIO/Assistant Commissioner (Revenue) Jammu vide letter No:DCJ/PIO/RTI/2013-14/25-26 dated 06-04-2013 informed the Commission that the RTI application of the information seeker was forwarded to Tehsildar, Jammu vide No:DCJ/PIO/RTI/2013-14/3290-91 dated 12-11-2012 and Tehsildar submitted a reply vide letter No: Teh/J/RTI/2011-12/434 dated 01-12-2012 which was forwarded to the applicant vide office letter No:DCJ/PIO/RTI/2012-13/3426 dated 03-12-2012. Perusal of the documents on record reveal that there was no laxity on the part of the PIO in furnishing the information to the information seeker which was submitted to him by Tehsildar, Jammu.

The information seeker in his complaint before the Commission dated 17-02-2013 has requested that the FAA/Deputy Commissioner Jammu be directed to furnish information to the information seeker as first appeal till date remains unadjudicated. Thus, keeping in view the quasi judicial and statutory obligation of the FAA, the matter is hereby remanded to the First Appellate Authority to adjudicate and dispose it of on merit after affording an opportunity of being heard to the information seeker within 3 weeks from the date of receipt of this order under an intimation to the Commission. The Registrar is directed to endorse a copy of this order to Deputy Commissioner, Jammu/FAA for further necessary action at his end.

The complaint 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 / Deputy Commissioner, Jammu.

2. Assistant Public Information Officer /Assistant Commissioner Revenue, Jammu.
3. Shri Yoginder Kandhari (Lt. Col. Retd.) R/o 36 , Lower Laxmi Nagar, Sarwal Jammu.

**(M.S Shah)**  
Registrar,  
J&K State Information Commission