



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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File No: SIC/J/A/38/2013  
Decision No: SIC/J/A/38/2013/88

Sh. Anand Parkash	.....Appellant	Absent
Tehsildar Hiranagar.	.....PIO	Absent

**Jammu**  
**15-04-2013**

Briefly the facts in this appeal are that Sh. Anand Parkash S/o Sh. Hans Raj R/o Village Rathua, P.O. Sanji Morh, Teh. Hiranagar & Distt. Kathua, (J&K) moved an application dated 29-10-2012 under J&K RTI Act, 2009 before the PIO / APIO O/o Tehsildar, Hiranagar, Distt. Kathua seeking certain information.

Feeling aggrieved of inaction on the part of the PIO, the information seeker preferred appeal dated 18-12-2012 before the FAA / Deputy Commissioner, Kathua. The 1<sup>st</sup> Appellate Authority vide office letter no. DCK/ARA/2012-13/525-26 dated 22-03-2013 informed the Commission that the office of the Deputy Commissioner, Kathua received 1<sup>st</sup> appeal filed by Sh. Anand Parkash through the Secretary Revenue Department on 04-01-2013 which was deficient in nature as far as the documents required to be attached with the appeal are concerned. On receipt of the deficient appeal filed by the information seeker, he was informed about the required documents to be furnished to the office of FAA vide

communication no. DCK/ARA/2012-13/458-59 dated 11-01-2013. The photocopy of the aforesaid letter was also furnished to the Commission which has been placed in the file for reference and record. The FAA further informed the Commission that the appellant did never respond to the aforesaid communication and as such office of FAA was not able to take any decision in absence of the subject of information required and the proof of having made such application.

The perusal of the aforesaid facts show that the appellant has failed to comply with the Rules framed under the J&K RTI Act, 2009. The appellant was required to furnish the following documents which need to be attached with the appeal case as per RTI Rules:-

1. Self-attested copy of original application under RTI Act, 2009.
2. Copy of document (treasury receipt / postal order / bank draft / cash receipts etc.) as a proof of having paid the required application fee as per RTI Act, 2009.
3. Description of grounds for making 1<sup>st</sup> appeal including details of the information supplied by the PIO.

However, the appellant preferred 2<sup>nd</sup> appeal dated 28-02-2013 before the Commission in which he alleged inaction on the part of the PIO as well as FAA. The appellant has nowhere mentioned the receipt of the deficiency letter dated 11-01-2013 sent to him by the FAA. However, the perusal of the documents available in the file show that the FAA has not denied information to the information seeker rather it advised the information seeker to remove certain deficiencies as pointed out in the aforesaid letter and the information seeker instead of removing the deficiencies preferred 2<sup>nd</sup> appeal before the Commission which is premature and not maintainable. The appellant is hereby directed to approach the FAA and complete the deficiencies pointed out by the FAA in the aforesaid letter.

The 1<sup>st</sup> Appellate Authority is also directed that in case the information seeker files a fresh appeal along with the aforementioned documents it shall be adjudicated and disposed of on merit after observing the principles of natural justice and providing an adequate opportunity of being heard to the appellant.

In view of the aforesaid facts, the 2<sup>nd</sup> Appeal is not maintainable and dismissed.

Notice of this decision be given free of cost to the parties.

**Sd/-**

Dr. S.K. Sharma  
State Information Commissioner

Copy to:

5. First Appellate Authority / Deputy Commissioner, Kathua.
6. Public Information Officer / Tehsildar, Hiranagar.
7. Sh. Anand Parkash S/o Sh. Hans Raj R/o Village Rathua, P.O. Sanji Morh, Teh. Hiranagar & Distt. Kathua, (J&K)
8. Guard file.

M.S Shah  
Registrar  
State Information Commission