



**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  
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**File No:** SIC-J-A-36/2013  
**Decision No:** SIC-J-A/36/2013/90

Sh. Harbans Choudhary	Appellant	Present
Sh. Yog Raj Sudan O/o Assistant Labour Commissioner, Rajouri.	PIO	Present
Sh. A.A Bhatti O/o Assistant Labour Commissioner, Poonch.	PIO	Present

Jammu  
16-04-2013

Briefly the facts in this appeal are that Sh. Harbans Choudhary R/o Municipal Flat No.2 Parade Jammu moved an application dated 01-09-2012 under J&K Right to Information Act, 2009 before the PIO office of the Assistant Labour Commissioner, Rajouri, Poonch seeking the following information:-

1. How many cases have been sanctioned for marriage Assistance under Building construction worker welfare Board Poonch and Rajouri. The names of such Beneficiaries alongwith their Postal Address and Regd. No. Period upto July, 2012.
2. How many cases has been sanctioned for Education Assistance under BCWWB in Rajouri and Poonch. Names of

Beneficiaries alongwith their address and Regd. No who has taken education assistance in Poonch/Rajouri District. Period upto July, 2012.

3. Kindly arrange to provide the following Record for Physical inspection:-
  - a. Form submitted by the Applicant for Education Assistance/Marriage Assistance in Poonch/Rajouri Distt.
  - b. Form submitted for Registration as beneficiaries under Building Construction Worker Welfare Board Poonch/Rajouri.

The information seeker alleged in his appeal before the Commission that no information was provided to him by the PIO's of both the districts. Thus, feeling aggrieved of inaction on the part of the PIO's, he preferred Ist appeal dated 14-11-2012 before the FAA (Dy. Labour Commissioner, Jammu). The FAA decided appeal on 19-11-2012 and directed the PIOs (Assistant Labour Commissioner, Rajouri/Poonch) to provide desired information to the information seeker within stipulated period as per the provisions of RTI Act, 2009. The perusal of the appeal before the Commission shows that till date no information has been provided to the information seeker. The PIO Rajouri apprised the Commission that the RTI application of the information seeker was only sent to Assistant Labour Commissioner, Poonch by registered post and was never forwarded to the office of Assistant Labour Commissioner, Rajouri. The PIO Rajouri further submitted that he took over the charge of Assistant Labour Commissioner, Rajouri on 17-01-2013 and no such application is pending in his office. Thus there is no negligence or lapse on the part of PIO Rajouri as is evident from the facts that RTI application of the information seeker was not received in his office. The PIO is not supposed to provide the information in the absence of RTI application. During the course of proceedings, the information seeker was directed to provide PIO Rajouri a copy of his RTI application and PIO Rajouri agreed to furnish the information to the information seeker as available in the office record within 30 days from the date of pronouncement of this order. The PIO further agreed to allow the information seeker to inspect the record in his office from 22<sup>nd</sup> of April, 2013 onward during office hours.

The information seeker also alleged that till date he has not received any information from PIO/ Assistant Labour Commissioner, Poonch, despite the fact that the FAA had directed vide order No:DLCJ/1822-23 dated 20-11-2012 to furnish information to the

information seeker within statutory period as per the provisions of the RTI Act, 2009. Keeping in view the aforesaid facts the PIO Poonch is hereby directed to furnish information to the information seeker within 2 weeks from the date of pronouncement of this Order under an intimation to the Commission. The PIO is further directed to allow the appellant facility to inspect the record in his office on any working day during office hours. The information seeker is directed to settle the date and time in consultation with PIO Poonch for inspecting record. There is inordinate delay on the part of the PIO Poonch in disposing of the application of the information seeker despite the fact that RTI application of the information seeker was sent to him under registered cover. However, the PIO denied the receipt of any such application in his office. It would be appropriate to mention here that the PIO Poonch was also directed by Dy. Labour Commissioner Jammu vide its order No: DLCJ/1822-23 dated 20-11-2012 to provide desired information to the information seeker within stipulated period as per the provisions of RTI Act, 2009. The denial on the part of the PIO Poonch about the receipt of RTI application being a serious matter needs to be investigated. The information seeker has produced the postal receipt whereunder the RTI application was duly dispatched to the Assistant Labour Commissioner, Poonch. There is delay of about 8 months in furnishing the information to the information seeker. Such an approach on the part of the PIO amounts to infringement of an important fundamental right of a citizen and is fatal to the cause of transparency and accountability as envisaged in the RTI Act, 2009.

In view of the aforesaid facts and sensitivity of the matter in hand, the Labour Commissioner Jammu is hereby directed to conduct an inquiry about the receipt of RTI application of the information seeker in the office of PIO Poonch and fix up the responsibility and initiate disciplinary action against the official concerned if found guilty under service rules as applicable to him. The Labour Commissioner Jammu is further directed to send compliance report to the Commission within one month. The Registrar is directed to endorse a copy of this order to the Labour Commissioner Jammu for further necessary action at his end.

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 :-

1. First Appellate Authority / Deputy Labour Commissioner, Jammu.
2. Public Information Officer /Assistant Labour Commissioner, Rajouri.
3. Public Information Officer /Assistant Labour Commissioner, Poonch.
4. Sh. Harbans Choudhary R/o Municipal Flat No.2 Parade Jammu.
5. Guard file.

(M.S Shah)  
Registrar  
State Information Commission