



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

File No: SIC/CO/SA/42/2013

Decision No: SIC/CO/SA/42/2013/579

Title:- Ajay Kumar Sharma
V/s
PIO Public Service Commission

Jammu
03.02.2014

This is a second appeal filed by Shri Ajay Kumar Sharma, a resident of the State in this Commission on 20.5.2013 against the failure of PIO, Public Service Commission in providing the information as sought by him in his RTI application. Hearing was fixed today on 03.02.2104. Shri Fayaz Ahmed Sheikh, Additional Secretary-cum-PIO, Public Service Commission attended. The appellant did not attend. The brief facts and grounds of the second appeal are that the appellant filed an RTI application before PIO, Public Service Commission on 09.01.2013. PIO was under legal obligation to pass an order as expeditiously as possible but not later than 30 days. PIO passed an order vide his letter No: PSC/RTI/2013/15 dated: 19.03.2013. Aggrieved with the order of PIO, the appellant filed first appeal before the FAA on 12.2.2013. The FAA as per section 16(7) was under legal obligation to adjudicate the first appeal within 30 days with further extendable period of 15 days after recording the reasons, if any, for not disposing of the first appeal within 30 days. FAA has not passed any order. FAA being the quasi judicial authority had to adjudicate the appeal after hearing both the parties. Hence aggrieved with the non-response of FAA also, the appellant filed second appeal in this Commission requesting the Commission for a direction to the PIO to provide information to him on the lines as per his RTI application.

2. PIO, Public Service Commission vide his letter No: PSC/RTI/2013/15 dated: 31.02.2014 informed the Commission that the application of the information seeker was disposed of vide order dated: 16.1.2013 and he was advised to attend the Commission office on 4.2.2013 but the information seeker did not attend the Commission office instead had filed first appeal before the FAA on 12.2.2013. As per PIO, PSC he was advised to attend the Commission on 28.2.2013 for personal hearing. The information seeker had sent an e-mail stating that he had not received any reply from the FAA. However, the appellant has admitted of having received the part of information from the PIO, Public Service Commission on 10.6.2013. PIO has pleaded in his letter that initially appellant was informed about some deficiencies which he fulfilled and finally he was provided information on 10.6.2013. PIO has delayed the information to the information seeker due to the fact that the information seeker was apprised of certain deficiencies and the main reason for delay in providing the information to the appellant. PIO, Public Service Commission is directed to provide the remaining information to the appellant if available on records and is also required to be quick in providing the information to the information seekers in accordance with the provisions of State RTI Act.

Second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Public Information Officer, J&K Public Service Commission, Jammu
2. Shri Ajay Kumar Sharma S/o Sham Parsad Sharma, H. No: 110, Lane No: 5, Janipur Colony, Jammu
3. Private Secretary to Chief Information Commissioner
4. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission