



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/SA/112/2014

Decision No: SIC/CO/SA/112/2014/585

Title:- B.R. Manhas
V/s
FAA & PIO Health & Medical Education Department

Jammu
13.02.2014

This is a second appeal filed by Shri B.R. Manhas, a resident of the state in his Commission on 15.1.2014 against the failure of the FAA and PIO of Health & Medical Education Department in providing him the required information as per his RTI application. The hearing of the case was fixed today on 13.2.2014. S/Shri Mukhtar Hussain, Special Secretary-cum-FAA, Naseem Javaid Chowdhary, Additional Secretary-cum-PIO Health & Medical Education Department and Shri B.R. Manhas the appellant attended the hearing.

2. The brief grounds of the appeal are that the appellant had filed an RTI application before the PIO on 2.9.2013 which was sent through speed post. As the PIO did not pass any order within the stipulated time under the Act, the appellant preferred first appeal before the FAA which was also sent through speed post on 15.10.2013. The FAA also failed to adjudicate the first appeal of the appellant within time as provided under the State RTI Act. Again being aggrieved for not having been given information even at the first appellate stage, the appellant has approached the Commission with the second appeal with a request to the Commission to pass a direction for providing requisite information without any further delay. The FAA and PIO have submitted before the Commission that the

said applications i.e RTI application and the first appeal have not been put up to them. That means that both the respondents refused to have received such applications whereas the appellant insists that he has sent the applications under section 6 and 16 of the State RTI Act, through speed post on 2.9.2013 and 15.10.2013 respectively. He is required to submit necessary evidence in support of his contention that both the applications have been delivered and served on the respondents. During the hearing the appellant admitted that there has been a typographical error inadvertently requesting the Commission for a direction to provide the information in respect of some other application in PHE Department. As this information is not pertaining to public authority and it has crept in the second appeal inadvertently, it is therefore, ordered to be deleted. The FAA and PIO are meanwhile directed to enquire from the concerned staff working under them whether any such speed post as referred above has been received in the office. It is also ordered that till such enquiry is completed and appellant's prayer for initiation of penalty and initiation of disciplinary proceedings are ordered, the PIO is directed to provide the information to the appellant within a week's time starting from today.

Sd/-
(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Health & Medical Education Department,
Civil Secretariat, Jammu.
2. Public Information Officer, Health & Medical Education Department,
Civil Secretariat, Jammu.
3. Shri B.R. Manhas (Advocate), R/o 164,Janipur Housing Colony, Jammu
4. Private Secretary to Chief Information Commissioner.
5. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission