



**Jammu & Kashmir State Information Commission**

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File No.SIC/CO/SA/113/2014

Decision No.SIC/CO/SA/113/2014/586

Title:- Shri Irshad Ahmad Malik S/o Shri Gh. Ahmad Malik R/o Gousia Colony, Naikpora, Kulgam.

V/s

1. First Appellate Authority,  
Public Service Commission,  
J&K, Jammu.
2. Public Information Officer,  
Public Service Commission,  
J&K, Jammu.

Jammu

12-2-2014

This is a second appeal filed by Shri Irshad Ahmad Malik, a resident of the State before this Commission on 27-11-2013. The appellant was heard through Video Conference and PIO Shri Fayaz Ahmad, Addl. Secretary-Cum-PIO, Public Service Commission attended.

The grounds of appeal are to the effect that appellant's RTI application was not responded to, neither his first appeal was adjudicated. The PIO contended that his RTI application was not received. The Commission

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has gone through the documents submitted by the appellant along with his second appeal. It is found that the RTI application dated 5-12-2012 was unsigned. Secondly the appellant contended that it was handed over to the receipt clerk of J&K Public Service Commission. It is seen that there is no proper acknowledgement issued by the J&K Public Service Commission. The Photostat copy of the RTI application addressed to PIO J&K Public Service Commission bears date 05-12-2012 and same has been shown received by the J&K Public Service Commission on 05-10-2012 i.e much before same was actually filed. The first appeal is also dated 19-9-2013 that means first appeal has been filed as late as nine and half months without advancing the reasons for not filing the first appeal within time allowed under section 16 and requesting for condonation of delay. If the application is unsigned and date of receipt is predated, the legal validity of the document which is the basic requirement for exercising the right to information is invalid. On invalid document PIO was not bound to take any action. However, principle of natural justice provides that the PIO should have informed the appellant that his application was unsigned, if his application was actually received by the Public Service Commission. The appellant has been quite careless and reckless, while exercising his right of information as given to him under section 6 read with section 3 of the State RTI Act. Hence, no ground of appeal arises. The Commission therefore, does not take any Cognizance of the appeal which is accordingly dismissed. The appellant is at liberty to go through section 6 read with section 3 of the State RTI Act and if he so desires he may exercise his right again. Prima facie the unsigned application seems to have been received by some staff members in the office of J&K Public Service

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Commission. The PIO is therefore directed to investigate the matter and identify the official because official incharge of receipt in Public Service Commission could not be identified. He has not mentioned his name and designation. Copy of the RTI application which is part of this Commission's record is handed over to PIO. The PIO is directed to report to the Commission that the official who is alleged to have received this application is identified within 10 days.

Sd/-  
G.R.Sufi,  
Chief Information Commissioner.

Copy to the:-

1. First Appellate Authority, J&K Public Service Commission, Jammu.
2. Public Information Officer, J&K Public Service Commission, Jammu.
3. Shri Irshad Ahmad Malik S/o Shri Gh. Ahmad Malik R/o Gousia Colony, Naikpora, Kulgam.
4. Private Secretary to HCIC.
5. Guard file.

(G.Q.Bhat)  
Registrar,  
State Information Commission,  
J&K, Jammu.