



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/73/2013

Decision No: SIC/CO/SA/73/2013-592

Title:- Madan Mohan Sharma  
V/s  
FAA & PIO Health & Medical Education Department

Jammu  
13.02.2014

This is a second appeal filed by Shri Madan Mohan Sharma, a resident of the State on 28.10.2013 received in this Commission on 7.11.2013. Accordingly hearing was fixed for 13.2.2014. Shri Mukhtar Hussain, Special Secretary-cum-FAA, Shri Naseem Javaid Chowdhary, Additional Secretary-cum-PIO, Health & Medical Education Department and Shri Madan Mohan Sharma the appellant attended the hearing.

2. Brief grounds of the second appeal are that the appellant filed an RTI application before the PIO on 08.4.2013. PIO did not pass any order within the stipulated period of 30 days as provided under section 7 of the State RTI Act. Aggrieved with this, the appellant filed first appeal before the FAA on 23.07.2013.

But the FAA as usual failed to adjudicate the first appeal. It is noticed by the Commission during the hearing of the cases of Health & Medical Education Department that the FAA has not adjudicated any of the first appeals which he was required to adjudicate. The First Appellate Authority under the Act is a public authority assigned with the job of adjudicating first appeals. It is his statutory duty to discharge his duties in accordance with section 16 of the State RTI Act. He is advised not to fail in discharge of his public duty. Aggrieved with the failure of the FAA, the appellant filed second appeal in this Commission. During the hearing PIO informed the Commission that the information has been provided to the

appellant on 06.1.2014. The appellant deposed before the Commission that he had already filed the second appeal in the Commission on 28.10.2013 and he has received the information. The appellant is advised not to file multiple applications. Under the Act, whatever information has to be obtained from a particular public authority, it should be done in one application so that precious time of government functionaries is not wasted and they are not being kept engaged in replying RTI applications.

The second appeal is accordingly disposed of.

Sd/-

( G.R. Sufi )

State Chief Information Commission

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. S.Madan Mohan Sharma,CRPF Cantt. Old Satwari, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )

Registrar

State Information Commission