



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/91/2013

Decision No: SIC/CO/SA/11/2013-598

Title:- Mohammad Ahzam V/s PIO PHE,I&FC Department

Jammu

05.03.2014

This is a second appeal filed by Shri Mohammad Ahzam C/o Shri B.R. Manhas(Advocate). The hearing of the case was held today on 5.3.2014. Dr. Iqbal Hussain Mir, Under Secretary-cum-PIO, PHE,I&FC Department, Civil Secretariat attended. Appellant failed to attend.

The brief grounds of the appeal are that the appellant had filed an RTI application on 19.3.2013 which was received by the PIO on 22.3.2013 seeking certain information. The PIO Shri S.A. Chauhan disposed of the RTI application on 1.4.2013 intimating the appellant that the department has not received any representation/notice and the PIO will proceed as and when the requisite information is received in his department. The appellant states in his appeal that he later on provided this copy of representation and other relevant papers by hand on 25.4.2013. As the appellant did not receive the information which was sought by him, he filed first appeal which was received in the office of FAA on 21.8.2013. FAA fixed the hearing on 30.9.2013 and ultimately directed for the disclosure of information. Order passed by FAA is without any number and date. The present PIO in the office of Commr/Secretary to Government, PHE,I&FC Department, Civil Secretariat Dr. Iqbal Hussain Mir has submitted that he has passed the order on 2.1.2014 in compliance with the FAA's order providing information on three points in RTI application. The information with regard to point no 4 as requisitioned by the appellant pertains to Chief Engineer's office and

as per FAA's clear directions, this information was to be provided by the Chief Engineer's office. As the PIO in the Chief Engineer's office has failed to pass the order within the stipulated time, he is directed to explain why penalty under section 17 of the State RTI Act may not be imposed on him. The penalty will be reckoned with from the date order was to be passed till the date when order is actually passed His reply, if any, must reach this Commission within 8 days from the receipt of this order.

Similarly, the appellant has prayed before the Commission for making a reference against the defaulting officer to Government for disciplinary action for delaying the information as provided under section 7(2) of the State RTI Act. The PIO working in the Chief Engineer PHE's office Jammu is directed to explain why disciplinary proceedings may not be recommended to be initiated against him for violating the provisions of law. His reply, if any, must reach this Commission within 10 days from the receipt of this order.

Second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Commr/Secretary to Govt. PHE,I&FC Deptt. Civil Sectt. Jammu
2. Chief Engineer, PHE,I&FC Jammu
3. Public Information Officer, PHE,I&FC Deptt. Civil Sectt. Jammu
4. Public Information Officer, PHE,I&FC, Chief Engineer's office, Jammu
5. Shri Mohd. Azham, C/o Shri B.R. Manhas (Advocate), H.No 164,
Janipur Housing Colony, Jammu.
6. Private Secretary to Chief Information Commissioner.
7. Guard file.

(G.Q.Bhat)

Registrar

State Information Commission