



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/Comp/51/2013

Decision No: SIC/CO/Comp/51/2013-600

Title:- Ch. Biru Gujjar V/S PIO, PHE/I&FC Department

Jammu

05/03/2014

This is a complaint filed by Ch. Biru Gujjar, a resident of the State in this Commission on 15.7.2013. Dr. Iqbal Hussain Mir, Under Secretary-cum-PIO, PHE, I&FC Department, Civil Secretariat and the appellant Ch. Biru Gujjar have been heard from time to time.

The brief grounds of the appeal are that the appellant had filed an RTI application on 3.12.2012 before the PIO, Department of PHE,I&FC Department, Civil Secretariat. The PIO Shri Mir informs this Commission that as the information was not lying with him, he had forwarded the same to the PIO in the office of Chief Engineer, PHE,I&FC on 11.12.2012 who was holding the information. Accordingly, it is the said PIO of Chief Engineer's office who had to now pass an order under section 7 of the State RTI Act to dispose of the RTI application. The Concerned PIO in spite of being informed through number of reminders has not passed the order. The forwarding was done as early as December, 2012. The PIO working at field formation had to provide the information within 30 days as per the RTI application dated: 3.12.2012. It is seen from the rejoinder submitted by Under Secretary-cum-PIO, PHE office, Civil Secretariat on 28.1.2014 before this Commission that the PIO in the office of Chief Engineer PHE has averred that he had disposed of the RTI application way back on 7.8.2012. The Commission has gone through this rejoinder. It is nothing but mis-statement of facts. The

appellant has filed RTI application on 3.12.2012. Therefore sending the reply on 7.8.2012 does not arise. It seems there is been some separate application. The Commission is not seized with that application. As the information sought by the appellant is of high value with regard to the appointment of certain local backward people under the schemes started by the PHE Department for which there is a litigation also going on in the Hon'ble High Court, therefore, it was highly incumbent on the PIO to disclose the information. As no information has been provided so far, the PIO has, therefore, made non-compliance of with section 7 of the State RTI Act and the said PIO 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 10 days from the receipt of this order, otherwise penalty will be imposed without hearing the PIO on the basis of material available on record. The present PIO Shri C.P. Sharma, Technical Officer to the Chief Engineer is directed to ensure the service of this order on ex-PIO.

The complaint is accordingly disposed of subject to above directions.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Commr/Secretary to Govt. PHE,I&FC Department, 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 Biru Gujar,S/o Haji Noor Mohd R/o Bathri The. Thathri, Distt. Doda
6. Private Secretary to Chief Information Commissioner.
7. Guard file.

(G.Q. Bhat)

Registrar

State Information Commissioner