



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/80/2013

Decision No: SIC/CO/SA/80/2013-603

Title:- Deeraj Kumar Sen V/s PIO Soil Conservation Department

Jammu

10.03.2014

This is a second appeal filed by Shri Deeraj Kumar Sen, a resident of the State, against the order of PIO and FAA for not providing information in accordance with his RTI application made to the PIO on 26.4.2013. Shri Ishtiyag Ahmed, Under Secretary-cum-PIO, Forest Department attended. Shri Zahoor Ahmed, attended on behalf of the PIO and Shri Deeraj Kumar Sen, the appellant also attended. The Commission heard both the parties. The appellant had asked information on 8 points as contained in his RTI application. During the appeal, the appellant confirmed of having received information on point No 1,2,3 and 5. Appellant had simultaneously asked the facility of inspection of the documents which contained the information which he had sought. However, during the hearing, the appellant has not pressed this ground of appeal. Originally the RTI application was defective because the appellant had not paid the initial fees of Rs.10/0 in accordance with the J&K RTI Rules of 2012 which was later on rectified and fees was paid in accordance with the existing rules. Therefore, the receipt of application under section 6 is treated from the date on which the legally maintainable application was submitted. The PIO passed order on 22.5.2013 which is thus within the time allowed under the Act. However, appellant not being satisfied with the information so provided to him preferred first appeal before the FAA on 28.6.2013. The FAA also disposed of the appeal on 24.7.2013.

Again the appeal has been decided within the time allowed under section 16 of the State RTI Act which is appreciated. The appellant was again not satisfied with the decision given by FAA of as he felt that part of information was not given strictly in accordance with the RTI application. The information which, as per the appellant, has not been given correctly relates to the implementation of SRO 294 with regard to the appointment of Shri Rahul Singh Majdiall. The appellant wanted to know why SRO 294 was invoked in the case of Shri Rahul Singh as against the invocation of SRO 126. The appellant wanted to know the reasons why the SRO 294 was not implemented which was in force at that time. The Commission has found that the information even on point no 6 has been given to the appellant whereby it has been admitted by the PIO that instead of following SRO 294, SRO 126 has been applied. However, the appellant has insisted that the PIOs information is not specific in the sense that the PIO has informed the appellant that while making the selection of Shri Rahul Singh Majdiall as against the selection of appellant SRO 126 has been followed as against SRO 294 which was the information sought by the appellant. The PIO is directed to give the specific clarification to the appellant by passing a clarificatory order and inform the appellant accordingly.

The second appeal is accordingly disposed of.

Sd/-

( G.R. Sufi )

State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Department of Soil Conservation, J&K Jammu
2. Public Information Officer, Department of Soil Conservation, J&K Jammu
3. Public Information Officer, Forest Department, Civil Sectt. Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )

Registrar

State Information Commission