



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/CO/Temp/117/2013

Decision No: SIC/CO/Temp/117/2013/614

Title: Balvinder Singh
V/s
PIO J&K Resident Commission's office
New Delhi.

Jammu
01.01.2014

This is a complaint filed by Shri Balvinder Singh, a resident of the State before this Commission on 1.4.2013 against the failure of PIO, office of the Resident Commissioner, New Delhi for not passing an order on his RTI application within the stipulated period as provided under provisions of State RTI Act. Shri Asif Hamid Khan, PIO attended the Commission on 1.1.2014. Complainant Shri Balvinder Singh also attended. Brief facts and grounds of the complaint are that the complainant filed an RTI application before PIO through speed post on 3.12.2012 alongwith stipulated fees of Rs.10/- bearing IPO NO: 05F 490645 seeking certain information thereunder. PIO had to pass an order on this application as expeditiously as possible but not later than 30 days. But APIO in the office of Resident Commissioner wrote a letter to the complainant dated: 26.12.2012 stating therein that the application is not accompanied by a fee as prescribed under rule 3,4 of J&K RTI Rules and is also not as per the format i.e Form-I and he was advised to support his application with proper fee and furnish the same on the prescribed format. Again on 06.2.2013 the APIO Ms. Nitasha Singh wrote another letter to the complainant advising him that since his application pertains to two public authorities i.e the Public Works Department

and the Resident Commissioner's office, he should furnish two postal orders worth Rs.50/- each to enable further action in the matter and the postal order of Rs.10 submitted by the complainant was returned to him. Aggrieved by this, the complainant filed complaint in this Commission on 1.4.2013 praying therein for taking appropriate action against the delinquent officers besides awarding suitable compensation to the complainant for the postal/stationery charges and mental agony caused to the complainant.

2. The Commission has gone through the records and found that PIO has not acted promptly in accordance with the provisions of State RTI Act and his APIO has also acted in a casual manner without going through the provisions of RTI Act properly. The Complainant had rightly sent postal order of Rs.10 with his RTI application and the APIO has faulted by returning back the application of the complainant. The APIO cannot substitute the PIO

3. Shri Asif Hamid Khan, PIO Resident Commissioner's office is directed to collect the information and provide same to the complainant as sought by him within 15 days from the receipt of this order. Since PIO has failed to give due respect and regard to the provisions of the State RTI Act and has not acted as per law, he is directed to explain why penalty proceedings may not be initiated against him for not adhering to the provisions of the State RTI Act. His reply, if any, must reach this Commission within 15 days from the receipt of this order.

The prayer of the complainant for awarding him compensation is not tenable because such claim is to be preferred during the proceedings under Section 16(9)(b) of the Act and not under section 15 as preferred by the complainant. Hence the prayer is dismissed

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Public Information Officer, Office of the Resident Commissioner, 5-Prithviraj Road, New Delhi.
2. Shri Balvinder Singh, R/o House No: 127, Lance No 2, Sector 2, Nanak Nagar, Jammu
3. Private Secretary to Chief Information Commissioner
4. Guard file

(G.Q. Bhat)

Registrar

State Information Commission