



J&K State Chief Information Commissioner  
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File No. SIC/CO/SA/132 /2014/  
**Decision No. SIC/CO/SA/132 /2014/ 623**

**Title: Shri Vineet Kumar Sharma**

**V/S**

- 1. First Appellate Authority, J&K Service Selection Board.***
- 2. Public Information Officer, Service Selection Board, Divisional Office, Jammu.***

**Jammu**  
**15-04-2014**

This is a 2<sup>nd</sup> Appeal filed by Shri Vineet Kumar Sharma S/o Shri Bipan Lal Sharma C/o H.No. 22 I/C, Bhawani Nagar, Janipur, Jammu before this Commission on 03-03-2014 against the alleged failure of PIO and FAA, JKSSB to provide him the information as sought vide his application dated: 06-01-2014. The PIO, JKSSB, Divisional Office, Jammu and representative on behalf of FAA, JKSSB attended the Commission. The brief ground of the appeal are that appellant filed an RTI application on 06-01-2014 in JKSSB, seeking certain information. This application was responded by PIO, JKSSB, vide his order No. SSB/Div/J/82/RTI/2014/196-197 dated: 28-01-2014. The appellant had sought information with regard to marks obtained by him in the competitive examination of Sub Inspector and Accounts Assistant, reasons for not short listing him

for examination of Sub Inspector and Accounts Assistant and for providing photocopy of OMR Sheet No. 545968. The PIO held that the information had not taken the form of completeness, as the interview for these posts was going on at that time. The information seeker was informed that as and when final selection is complete, the requisite information will be provided to him. The appellant not being satisfied with this finding, preferred first appeal before First Appellate Authority, JKSSB on 23-01-2014. It is seen that first appeal was preferred without waiting for outer limit of 30 days, which has been given to the PIO for passing an order. The PIO had passed order ahead of 30 days, which is appreciated. The Commission has observed from the records that the appellant has been in a hurry to file RTI application, without going through provisions of section 7 of J&K RTI Act, 2009, which gives maximum period of 30 days to the PIO to take decision on an RTI application. The appellant filed RTI application on 06-01-2014, received in PIO's office on 08-01-2014, as per receipt of PIO's office, therefore, as per law, he should have waited till 07-02-2014.

However, the FAA has also not been careful to see whether appeal was premature. Had he found that appeal was premature, it should have not been entertained and appellant should have been advised to wait for the decision of PIO. The FAA is expected to appreciate provisions of Section 16 of the Act and take a decision accordingly.

Similarly, there is a lacuna in the RTI application. The basic fees as laid down under section 6 of State RTI Act read with Rule 3 of State RTI Rules, 2012 was not deposited in accordance with rules. The appellant was advised that whenever he wants to pursue his right to obtain some information under RTI, he should follow legal procedure, as laid down under the Act and RTI Rules. However, before final disposal of the 2<sup>nd</sup> Appeal, the fee of Rs. 10/- in accordance with Rule 3 of J&K RTI Rules, 2012 has been deposited by the appellant.

The 2<sup>nd</sup> Appeal is accordingly disposed of as under:-

“ The Commission has taken note of the PIO’s finding that information was not complete, as the information has two elements, i.e, written test as well as viva-voce. This process has been completed for the post of Accounts Assistant on 13-04-2014, when final selection list was issued by J&K Service Selection Board. The two intervening days were holidays, therefore, information could not be provided to the information seeker. The PIO, J&K SSB is directed to provide information within a weeks’ time, starting from today, i.e, date of pronouncement of this order, as agreed by both parties. Regarding balance remaining information with regard to Sub Inspector post, the information be disclosed within 08 days from issuance of final selection by the Board.”

**Sd/-**

(G. R. Sufi)

Chief Information Commissioner

Copy to the:-

1. First Appellate Authority, J&K Service Selection Board.
2. Public Information Officer, J&K Service Selection Board, Divisional Office, Jammu.
3. Shri Vineet Kumar Sharma S/o Shri Bipan Lal Sharma C/o H.No. 22 I/C, Bhawani Nagar, Janipur, Jammu (Appellant).
4. Pvt. Secretary to HCIC.
5. Guard File.

(G.Q.Bhat)

Registrar,

J&K State Information Commission.