



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/135/2014

Decision No: SIC/CO/SA/135/2014/630

Title: Ghulam Rasool Mir V/s PIO Estates Department

Srinagar

19.05.2014

This is a second appeal filed by Shri Ghulam Rasool Mir, a resident of the State before this Commission on 19.03.2014. Hearing was held on 19.05.2014. Shri Mushtaq Ahmed Rather, Deputy Director cum PIO Estates Department attended. The appellant also attended. The main plea of the appellant is that he had filed an RTI application and which was received in the office of Deputy Director-cum PIO Estates Department on 16.12.2013 and he alleges that he was not provided any information within the stipulated period of time which forced him to file first appeal before the FAA which was received in the office of FAA on 7.2.2014. The FAA adjudicated the appeal on 7.2.2014. The Commission has heard the PIO and the appellant. The PIO has informed this Commission that the order by PIO was passed on 13.1.2014 and was also despatched to the appellant by fax. The appellant insisted before the FAA that he did not receive any such order with the result a copy of order was handed over to him and he admitted that he received a copy of order only on 5.2.2014. The Commission is of the considered opinion that passing of order is not a mere formality and it is not enough to say that order has been passed. Order has to be despatched and served upon the appellant. Therefore, the PIO is advised that in future he should ensure that record is maintained in such a fashion that it is clearly established through record that order was not only passed on time but was despatched and received by the appellant.

Coming to the merits of the second appeal, the Commission has considered the grounds of appeal raised by the appellant in the RTI application he wanted the particular information which is reproduced as under:-

“I want to know on whose name the said quarter is allotted and who is physically residing in the said quarter present.”

This information has been provided by the PIO and he has informed the appellant that the said quarter is allotted in the name of Shri Bashir Ahmed Mir. The appellant is now raising a plea

before the Commission that though the quarter is allotted in the name of Shri Bashir Ahmed but actually some other person is occupying and residing in the said government quarter. This plea is beyond the purview of the State RTI Act. However, the Deputy Director-cum-PIO Estates Department is expected to investigate the issue as it has come to his notice that the flat is occupied by an unauthorized person. To bring transparency and accountability in the system, it will be advisable for the concerned authorities to take necessary action as provided under their rules for curbing such tendencies of sub letting the government accommodation unauthorisedly. The appellant is also at liberty to raise this issue at the appropriate forum.

The second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

Chief Information Commissioner

Copy to:-

1. Director-cum-First Appellate Authority, Estates Department, Civil Sectt.
2. Deputy Director-cum-Public Information Officer, Estates Department
3. Shri Ghulam Rasool Wani, Private Secretary to Secretary to Government, Rural Development Department.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission