



J&K State Information Commission  
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File No: SIC/CO/SA//2014  
Decision No: SIC/CO/SA//2014/697

Title:- J.L. Koul V/s PIO High Court of J&K, Srinagar  
Jammu  
08.12.2014

This is a second appeal filed by Shri J.L. Koul, a resident of the state in this Commission against the inaction of FAA and PIO of J&K High Court Srinagar to adjudicate his appeal and dispose of his RTI application. The PIO and FAA inspite of serving notices on them have not attended Commission neither any written communication has been received in the Commission. The appellant has attended the Commission in person and submitted before the Commission that he filed an RTI application dated: 7.5.2014 but he did not receive any reply from the PIO till date. Being aggrieved by the inaction of PIO, appellant filed first appeal before the FAA of J&K High Court on 7.7.2014. In accordance with Section 16 of the State RTI Act, 2009 FAA was under legal obligation to adjudicate the appeal of the appellant within maximum period of 45 days which as per the records available in the Commission has not been done. The Commission has observed in a number of cases that the FAA of the Hon'ble J&K High Court has failed to discharge his legal duties cast on him under Section 16 of the State RTI Act, 2009. Thus, Commission is constrained to observe that scant respect is being shown to the law of the land i.e State RTI Act, 2009 by the

senior authorities of Hon'ble J&K High Court, an institution which should have been a beacon of justice .

Under Section 7 of the State RTI Act, the appellant's RTI application was to be disposed of as expeditiously as possible but not later than 30 days from the date of receipt of said application. The PIO is obliged to either provide the information or deny the same if under law denial of information is justified. However, as usual the PIO has failed to pass an order under Section 7 of the State RTI Act, 2009. The Commission is, therefore, directing the PIO to pass an order under Section 7 disposing of the RTI application of the appellant. It seems that PIO of J&K High Court Srinagar is in receipt of RTI application of the appellant as is evident from his letter to M/s R.A Jan and Advocates under No: 20221 dated: 24.7.2014, a copy of which has been produced by the appellant before this Commission. The PIO Shri Aijaz Ahmad Mir, Registrar Judicial attracts the provisions of Section 17 of the State RTI Act. He is, therefore, provided an opportunity to explain why action as provided under Section 17 of the State RTI Act, 2009 may not be taken. His reply, if any, must reach this Commission within 20 days from the receipt of this order.

Sd/-

( G.R. Sufi )

Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K High Court, Jammu
2. Registrar Judicial-Public Information Officer High Court of J&K, Srinagar.
3. Shri J.L Koul, 91/2 Vijay Nagar Camp Road, Talab Tillo, Jammu-180002
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )

Registrar

State Information Commission