



J&K State Information Commission
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www.jksic.nic.in

File No: SIC/CO/SA/188/2014
Decision No: SIC/CO/SA/188/2014/702

Title:- Syed Shakeel-ur-Rehman V/s PIO J&K Academy of Art, Culture & Languages

Jammu
15.12.2014

This is a second appeal filed by Shri Shakeel-Ur-Rehman, a resident of the State in this Commission on 22.8.2014. Hearing was held on 15.12.2014. Shri Haroon Rashid, Secretary-cum-FAA and Shri Mohammad Munawar Khan AO-cum-PIO, Academy of Art, Culture and Languages attended. Appellant did not attend.

Brief facts and grounds of the appeal are that the information seeker filed an RTI application before the PIO on 19.4.2014 received in the office of PIO on 21.4.2014 seeking certain information as per his RTI application. PIO passed an order on 10.6.2014 though a bit late, enclosing therein information consisting of 126 pages. Information seeker filed first appeal before the FAA on 2.6.2014 on the plea that PIO has not provided him the required information as sought by him in his RTI application. FAA adjudicated the first appeal on 7.7.2014 after giving an opportunity of being heard to the appellant directing the PIO to provide remaining information to the appellant. But as stated by the PIO before the Commission that FAA had inadvertently mentioned the letter written to GAD by the Academy on 16.11.2013 which was written not on this subject. Again, the appellant filed second appeal before this Commission on 22.8.2014 requesting therein to direct the Academy to provide him the copy of letter dated: 16.11.2013 written by them to the GAD. Commission has gone through the records and also heard the FAA and PIO in this case. It transpires from the records

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that information seeker has been provided with the information which he had sought as per his RTI application. But he is stressing on the letter written to GAD by the Academy on 16.11.2013 which the PIO and FAA has declined of having written any such letter to the GAD. During the hearing in the Commission PIO was directed to give an affidavit in this regard. PIO has submitted an affidavit dully notarized affirming therein that **“Academy has not sought any opinion from General Admn. Department with respect to representation dated: 16.11.2013 of the information seeker and that the opinion which has been sought vide letter No: CA/RTI/2013-2014/8144-45 dated: 6.2.2014 addressed to Secretary GAD has been provided to the information seeker on 10.6.2014 and 8.7.2014”**. Besides, PIO stated before the Commission that by inadvertently referring some document which is not in existence cannot mean that document could be brought to existence later on. Commission is, therefore, of the view that the information seeker has been provided the information as sought by him. In the meanwhile, Registrar of this Commission to make an enquiry from the GAD (concerned desk) for confirmation whether GAD has received any communication dated: 16.11.2013 from Academy of Art, Culture and Languages relating to this subject.

Second appeal is accordingly disposed of.

Sd/-

(G.R Sufi)

Chief Information Commissioner

Copy to:-

1. Shri Haroon Rashid, Secretary-cum-FAA, J&K Academy of Art, Culture & Languages, Jammu
2. Sh. Mohammad Munawar Khawaja, AO-Cim-PIO, Academy of Art, Culture & Languages, Jammu.
3. Syed Shakeel-ur-Rehman, C/o H. No: 181 Hill View Colony, Rawalpura, Wanbal, Srinagar-190005.
4. Private Secretary to Chief Information Commissioner.
5. Guard file.

(Khalid A. Shah)

Dy. Registrar

State Information Commissioner