



J&K State Information Commission  
Old Assembly Complex, Srinagar : 0194-2484267  
Wazarat Road, Near DC office , Jammu: 0191-2520937.

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File No: SIC/CO/SA/218/2014  
Decision No: SIC/CO/SA/218/2014/703

Title:- Vijay Kumar V/s PIO J&K State Road Transport Corporation

Jammu  
18.12.2014

This is a second appeal filed by Shri Vijay Kumar, a resident of the State in this Commission on 01.09.2014. Hearing was held on 18.12.2014. Shri R.S Jamwal, General Manager-cum-FAA, Shri Sudesh Gupta, Dy. GM-cum-PIO and appellant attended.

Brief facts and grounds of appeal are that the appellant filed an RTI application before PIO JKSRTC on 13.5.2014, but failed to submit the fee as per provisions of State RTI Rules, 2012. Accordingly, his RTI application is ab-intio bad in law as the fee as prescribed u/s 6 r/w Rule 3 of J&K State RTI Rules, 2012 and has not been credited to the account of Accounts Officer of JKSRTC . However, PIO did not notice this serious legal infirmity deficiency and did not pass any order. PIO passed order on 12.12.2014 and that too when he received a notice from this Commission. Appellant aggrieved with non receipt of any order by the PIO filed first appeal inadvertently before the FAA at Srinagar on 30.6.2014. As per spirit of RTI Act MD Srinagar was

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required to forward this appeal immediately to the concerned FAA which he did not. However, FAA Shri R.S. Jamwal submitted before the Commission that he had not received the first appeal in his office and question of adjudication of appeal does not arise. PIO submitted before the Commission that the records of the Corporation have been destroyed some time back to which appellant also subscribed.

After going through the records and submissions of the FAA and PIO, Commission is of the view that appellant is at liberty to file fresh RTI application as per provisions and rules of State RTI in order to fulfill the spirit of Act before the PIO of JKSRTC. Since the appellant has failed to fulfill the requirements of the provisions of State RTI Act, 2009, second appeal is accordingly dismissed.

Sd/-

( G.R. Sufi )

Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K State Road Transport Corporation, Jammu
2. Public Information Officer, J&K State Road Transport Corpn. Jammu
3. Shri Vijay Kumar, S/o Shri Shanker Dass, R/o Gorkha Nagar, H. No: 331, Bahu Fort, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file

( Khalid A. Shah )

Dy. Registrar

State Information Commission