



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

File No: SIC/CO/SA/189/2014
Decision No: SIC/CO/SA/189/2014/704

Title:- Pawan Kumar Sharma V/s PIO Commissioner Survey & Land Records

Jammu
19.12.2014

This is a second appeal filed by Shri Pawan Kumar Sharma, a resident of the State in this Commission on 19.8.2014 praying therein for a direction to the PIO for providing the required information to him. Hearing was held on 19.12.2014. Shri M.Y. Dar, Commissioner Surveys & Land Records-cum-FAA and Shri Raj Mohammad Malik, AO-cum-PIO attended. Appellant also attended.

Brief facts and grounds of the appeal are that the appellant filed an RTI application before the PIO, office of the Settlement Commissioner, Jammu on 14.5.2014 seeking certain information as per his RTI application. PIO was under legal obligation to pass an order as expeditiously as possible but not later than 30 days. But Shri M.Y Malik ACR-cum-PIO Samba passed an order on 15.7.2014 i.e after a lapse of one month. Information seeker admitted of having received this order. Records are silent as to when the PIO in the office of Settlement Commissioner transferred the application to PIO Samba if he required his assistance. Therefore, PIO

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in the office of Settlement Commissioner is required to explain why penalty proceedings as provided under Section 17 of the State RTI Act may not be initiated against him for not passing an order under the provisions of law. His reply, if any, must reach this Commission within 15 days from the receipt of this order. Appellant had also gone for first appeal on 20.6.2014 and the FAA passed a detailed order on 29.8.2014. But information seeker denies of having received any such order. PIO was directed during the hearing to serve a copy of this order to the appellant. During the hearing, it transpired that on the date of filing of appeal, appellant admitted that he had received the order of PIO. There is no wilfull denial as stated by the appellant in his first appeal. Commission noted with concern that though information has been given but the format of the order and the real spirit of Section 7 of State RTI Act has not been kept in view. In view of the fact that the information has been provided to the information seeker, no further action is ordered.

Since the appellant has received the required information hence the second appeal is accordingly disposed of .

Sd/-

(G.R. Sufi)

Chief Information Commissioner

Copy to:-

1. Shri M.Y. Dar, Commissioner-cum-FAA, Survey & Land Records, Jammu
2. Shri Raj Mohammad Malik, AO-cum-PIO, Survey & Land Records, Jammu
3. Shri Pawan Kumar Sharma, S/o Sh. Ram Dass Sharma, R/o Village Jatwal, Tehsil & District Samba, J&K
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(Khalid A. Shah)

Registrar

State Information Commission