



J&K State Information Commission  
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File No: SIC/CO/SA/217/2014  
Decision No: SIC/CO/SA/217/2014/712

Title:- Shiv Jawahir Lal Kaul V/s PIO Housing & Urban Dev. Department

Jammu  
06.01.2015

This is a second appeal filed by Shri Jawahir Lal Kaul, a resident of the state in this Commission on 26.11.2014. Hearing was fixed on 06.01.2015. Shri Ram Paul, Managing Director-cum-FAA, J&K Housing Board, Shri Yogesh Sharma, Sr. Programmer-cum-PIO, J&K Housing Board, Shri Nissar Ahmad Wani, Under Secretary-cum-PIO, Housing & Urban Development Department and the appellant attended. They have been heard.

Brief facts and grounds of this appeal are that Shri J.L. Kaul filed an appeal before this Commission arising out of the RTI application filed before PIO Housing & Urban Dev. Department, New Secretariat Srinagar on 11.7.2014 seeking certain information as listed in the RTI application. The PIO in Housing & Urban Dev. Deptt. transferred this application to its field formations i.e PIO J&K Housing Board and PIO, Srinagar Development Authority. This action was taken under Section 6 of the J&K State RTI Act, 2009 requesting both the PIO(s) to provide the information directly to

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the information seeker. The PIO J&K Housing Board responded the RTI application vide his order dated: 12.8.2014 which is within the time as provided under Section 7 of the J&K State RTI Act, 2009. Not being satisfied with this order, the appellant filed first appeal before the FAA of Housing & Urban Dev. Department. The FAA disposed of the first appeal vide his order dated: 10.11.2014. The FAA did not adhere to the time limit laid down in Section 16 for adjudicating the appeal. Similarly, he also failed to adhere to basic principle of law that no appeal has to be adjudicated without hearing the first party i.e the appellant. The FAA is advised that in future he has to ensure that appeals are disposed of within the time limit laid down in Section 16 and after giving appellant an opportunity of being heard. On not getting favourable decision from the FAA, appellant approached this Commission vide his appeal dated: 26.11.2014. The basic thrust in this appeal is that the PIO in Housing & Urban Dev. Department should have passed a consolidated order and given information to the appellant rather than transferring his application to field formations i.e J&K Housing Board and Srinagar Dev. Authority. The PIO of Housing & Urban Dev. Department insisted that he represents the Secretary of Housing & Urban Dev. Department who being public authority has nominated various PIO(s) as provided under Section 5 of the J&K State RTI Act, 2009 to provide information which is in existence and on record and under their immediate control. Hence the PIO Housing & Urban Dev. Department rightly invoked Section 6 by transferring application to the two different PIO(s) because subject was dealt with by two different PIO(s).

The Commission has considered the submissions of the PIO and appellant's grounds and has found that by and large PIO's arguments are in accordance with section 5 of the RTI Act r/w section 6. However, FAA should have explained this position to the information seeker while hearing him during the appeal proceedings

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which he has not done. The appellant cannot compel a public authority or any PIO to get any information collated and consolidated if that information was existing with a different PIO who is already in possession of such information. Hence the main ground of appeal is not allowed. PIO in the Housing & Urban Development Department has not ignored his responsibilities as alleged by the appellant in his second appeal before the Commission.

Second appeal is accordingly disposed of with above findings.

Sd/-  
( G.R. Sufi )  
Chief Information Commissioner

No: SIC/CO/SA/217-2014-

Dt:

Copy to:-

1. First Appellate Authority, Housing & Urban Dev, Deptt. Civil Sectt. Jammu
2. Public Information Officer, Housing & Urban Dev. Deptt. Civil Sectt. Jammu
3. Shri Jawahir Lal Kaul, H. No: 9112 Vijay Nagar, Camp Road, Talab Tillo, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )  
Registrar  
State Information Commission