



J&K State Chief Information Commissioner
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File No. SIC/CO/SA/228 /2015/
Decision No. SIC/CO/SA/228 /2015/717

Title: Nisar Ahmad Shah

V/S

PIO / FAA, Revenue Department, Civil Secretariat.

Jammu:
19-01-2015

This is a 2nd appeal filed by Mr. Nisar Ahmad Shah, a resident of the state against order of PIO/FAA, Revenue Department. Ms. Shalini Raina, Under Secretary-cum-PIO, Revenue Department, Civil Secretariat and the appellant attended the Commission.

Brief facts of the case are that the appellant filed an RTI application before PIO, Revenue Department Civil Secretariat on 06-08-2014 seeking following information;

1. Kindly furnish the complete noting and its letters which address to the Ministry with regard to Hajj Assistant-2014.
2. What method is adopted for selecting Hajj Assistant-referred the same to Ministry of External Affairs.
3. How many Hajj Assistant for Hajj-2014 have been selected by the Ministry till date. Please convey their names and their selection letters.
4. What method is adopted for the selected person(s), when received the same from the Ministry by the Revenue Department.
5. If a person /official/officer has been selected by the Ministry of External Affairs for Hajj Assistant for Hajj (Especially for Hajj 2014) but his name has not been send by the Revenue Department. Then what role adopted by the Revenue Department-copies thereof.

6. The Ministry has not uploaded the selected list of Hajj Assistant right from 2010 onward, what Revenue authorities/department do for not uploaded the selected list by the Ministry. If Revenue Department has issued letters to Ministry in this regard. If so, please provide the copies of the same. If not, then please communicate the reasons thereof.

The PIO has passed an order on 28-08-2014, which is well within time as prescribed under the Act. Information on point 1 of RTI application as admitted by the information seeker has been given. With regard to information on point 2, PIO informed the information seeker that said information does not pertain to Revenue Department, which was also upheld by FAA, Revenue Department while deciding first appeal preferred by appellant dated: 27-09-2014. However, FAA without giving an opportunity notice of being heard to the appellant, decided the appeal, which is against all cannons of law. The PIO had vide her office noting 5 to 7 dated: 15-01-2014 recommended to the FAA to hear the appellant, but FAA disposed of first appeal suo moto. The FAA is directed that in future he should always give proper hearing to the appellant before deciding an appeal. The appellant further stated before the Commission that documents attached with PIO's order indicate that there is certain role of Revenue Department, JK for selection of Hajj Assistant, however, same was not substantiated with documentary evidence before the Commission. With regard to point 3 of RTI application, information seeker was informed rightly that this information does not pertain to Revenue Department, JK, instead it pertains to Ministry of External Affairs, GOI, New Delhi. However, the appellant insisted that he received two copies of letters along with other annexures with PIO's order, which clearly showed that said information was lying with Revenue Department, JK. However, this plea of information seeker does not hold good because he sought information on all India basis of Hajj Assistants selected. Obviously, this information will not be available with Revenue Department, JK. At the most, the PIO will look into this question again and see whatever information with regard to Hajj Assistants-2014 selected from J&K State by Ministry of External Affairs (Hajj Cell), New Delhi is available and provide same to the information seeker within 10 days of the receipt of this order. Information on point 4 of RTI application has not been completely given by the PIO, as she stated that the list of

selected Hajj Assistants-2014 was not received from Ministry of External Affairs, however, as per documents shown by the appellant, it is evident that Ministry of External Affairs has sent a list or separate letters of selected candidates. The Deputy Secretary to Government, Revenue Department vide his letter dated: 05-08-2014 addressed to Commissioner/Secretary to Government, Social Welfare Department does indicate that information was received from Ministry of External Affairs. PIO is directed to take assistance of the Hajj Cell, Ministry of External Affairs, New Delhi for providing information whatever be made available to her within 10 days of the receipt of this order. The applicant may also file an RTI application before Ministry of External Affairs (Hajj Cell) for obtaining this information. With regard to point 5 of RTI application, PIO to reply information seeker whether Revenue Department is bound under rules to object the selection of Hajj Assistants selected by the Ministry of External Affairs, New Delhi. Information with regard to point 6 of RTI application has been replied rightly.

The 2nd appeal is accordingly disposed of.

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

Copy to the:-

1. First Appellate Authority, Revenue Department, Civil Secretariat, J&K, Jammu.
2. Public Information Officer, Revenue Department, Civil Secretariat, J&K, Jammu.
3. Mr. Nisar Ahmad Shah C/o Social Welfare Department, Civil Secretariat, J&K, Jammu. (Appellant).
4. Pvt. Secretary to HCIC.
5. Guard File.

(G.Q.Bhat)
Registrar,
J&K State Information Commission.