



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

File No: SIC/CO/SA/205/2014
Decision No: SIC/CO/SA/205/2014/719

Title:- Inder Mohan Bakshi V/s PIO Home Department

Jammu
23.01.2015

Shri Inder Mohan Bakshi, a retired police officer of the State who happens to be the resident of the State has approached this Commission with a second appeal on 7.7.2014 stating therein that the appellant had filed an RTI before the PIO Home Department. He filed first appeal before the FAA which was sent by post on 20.12.2013 requesting FAA for a direction to provide the information sought by him. However, again failing to get a response from the FAA, he filed second appeal before this Commission seeking a direction for providing the information. The Registry of this Commission had issued a communication to the appellant for giving reasons for not filing second appeal within the time prescribed under the Act. Considering his application dated: 31.7.2014, the Commission has ordered for the condonation of the delay. Hence appeal has been admitted for hearing and is treated to have been filed on 31.7.2014.

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The Commission issued necessary notices to the FAA and PIO for their attendance. Similarly, the appellant was also required to attend this Commission to substantiate the grounds of appeal raised by him. Because of his ill health, he did not attend the hearing. The Commission has heard the FAA and PIO and gone through the records including the second appeal of the appellant and his few communications to the Commission. The following facts have emerged from the records:-

That the appellant filed an RTI application which was sent by speed post on 21.10.2013. As he did not receive any response against this RTI application, he followed by filing first appeal before the FAA which again was sent by post on 20.12.2013. As per appellant, this appeal was not adjudicated by the FAA, hence second appeal before this Commission. Both the FAA and the PIO have declined of having received such applications. Unfortunately, as the appellant did not attend this Commission personally to lead conclusive evidence of having sent these applications and received by respective authorities, the Commission is not in a position to confirm the same. However, the PIO insisted that there was an RTI application dated: 10.05.2013 received on 16.5.2013 was replied on 16.6.2013. As prima facie, nothing is pending in this Commission with regard to that application, it seems that appellant was satisfied with the reply of the PIO.

As the RTI application and first appeal under the consideration of this Commission have been sent by post, therefore, presumption is that they have been delivered to the PIO and FAA. The appellant had asked some information with regard to his litigation in connection with his service in the Hon'ble J&K High Court and their order in SWP No: 229/2012, CMP No: 296/2012 which was sent on 4.2.2012. The appellant in his RTI application has further stated that no action was initiated in response to the above mentioned decision. He also wanted to get a copy of reply

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which is to be submitted in response to Hon'ble High Court's above decision. The PIO's record does suggest that there was an earlier RTI application which was duly responded within time. The various communications addressed by the appellant to this Commission and to FAA are also suggestive to the fact that the appellant has not fully appreciated the provisions of Section 16(1)(4) of the State RTI Act, 2009 which gives him right to appeal before FAA and the Commission. He has also not understood that while filing appeal, he has to clearly raise the grounds of appeal which will be relevant to the RTI application and no other extraneous facts and submissions. Under the J&K State RTI Act, 2009 the State Information Commission is empowered only to direct for providing of information and not to be a party to the disputes which are there between the information seeker and the public authorities with regard to promotions or their other rights.

Now in order to ensure that information is disclosed, the Commission has provided the copies of RTI application dated: 21.10.2013 and copy of first appeal dated: 23.12.2013 to the FAA and PIO with a direction that information be disclosed to the information seeker within 10 days from the pronouncement of this order with an intimation to this Commission.

Second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Home Department, Civil Sectt. Jammu
2. Public Information Officer, Home Department, Civil Sectt. Jammu.
3. Shri Inder Mohan Bakshi, S/o Late Sh. Dhan Raj Bakshi, H.No: 166, Old Rehari, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission