



J&K State Chief Information Commissioner  
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File No. SIC/CO/SA/229/2015/  
**Decision No. SIC/CO/SA/229/2015/721**

**Title: Shri Vilakshana Singh**

**V/S**

- 1. First Appellate Authority, Public Service Commission, J&K, Srinagar.**
- 2. Public Information Officer, Public Service Commission, J&K, Srinagar.**

**Jammu**  
**30-01-2015**

This is a 2<sup>nd</sup> appeal filed by Shri Vilakshana Singh, a resident of the state against the failure of PIO to pass an order on his RTI application dated: 08-10-2013. Mr. Rais Ahmad Qazi, PLO-cum-PIO, JKPSA and the appellant attended the Commission.

Brief facts of the case are that the appellant filed an RTI application before Public Information Officer, JKSPC on 08-10-2013, received in his office on 14-10-2013, seeking following information;

- a) Kindly state the Number of marks which are to be given for "Research Material" of Dissertation of M.Phil and Thesis of Ph.D which is treated as a Special Attribute in the process of selection for the post of Lecturer (10+2) in following case,
  1. Where M.Phil degree has been obtained through regular mode.
  2. Where M.Phil Degree has been obtained through Distance Mode from other State Universities which are approved by DEC of IGNOU, New Delhi.

- b) Provide names of those candidates, selected for the post of Lecturer (10+2) Hindi in pursuance of advertisement Notice No. 6-PSC of 2008 dated:23-05-2008 and Notice No. 7-PSC of 2009 dated: 09-03-2009, who were having Private and Distance Mode Degrees of M.A. Hindi (except through Universities of J&K State/IGNOU/DOAEC). Also provide me the names of the respective Universities from which they have obtained Degree of M.A.Hindi. (The selection list of said candidates was published vide important notice no. PSC/DR/10+2/Hindi/2008/2009 dated: 27-04-2009, copy of which is enclosed for ready reference).
- c) Final order of Merit/Result of all candidates who were interviewed for the posts of Lecturer (10+2) Hindi in School Education Department in pursuance of J&K PSC Notice No. 6-PSC of 2008 dated: 23-05-2008 and Notice No. 7-PSC of 2009 dated: 09-03-2009.

The PIO was under legal obligation to pass an order as expeditiously as possible but not later 30 days of the receipt of this RTI application. Thus, PIO had to pass order latest by 13-11-2013, which has not been done. Penalty proceedings under section 17 of J&K RTI Act, 2009 are thus initiated against the then PIO, JKSPC. The present PIO is directed to intimate Commission, name, designation and official address of the then PIO, JKSPC, so as to decide penalty proceedings against him. The PIO will also serve a copy of this order on his predecessor.

Not having received a response from the PIO and thus being aggrieved, appellant preferred first appeal before First Appellate Authority, JKSPC on 03-12-2013, received in his office on 04-12-2013. The FAA passed an order on 25-02-2014 (SIC read 25-02-2013). The FAA though had disposed of the first appeal but has not strictly followed the procedure for disposing the first appeal. No opportunity notice of being heard has been given to the appellant, which is legal requirement for disposing of an appeal. Instead of directing PIO to provide or deny information to the appellant, FAA, himself has provided some information to the appellant, which is clearly against the provisions of the law. FAA is not supposed to be the possessor of the information. He simply has to issue direction to the PIO under the scheme of RTI to provide or deny the information, as the case may be. The appellant further submitted that information provided by FAA was not complete and correct. With regard to information listed at point "A" of RTI application, appellant insisted that information so provided is incomplete, whereas, PIO stated that this information can be accessed from Rule 51 of J&K Public Service Commission (Business & Procedure) Rules, 2005, which already has

been provided to the appellant. However, appellant rebutted this plea of PIO by stating that said rule does not satisfy the queries raised by him at point "A" of the RTI application. Appellant also claimed that information provided with regard to point B & C of the RTI application is also not relevant. The PIO could not rebut this point raised by the appellant. Taking into consideration, all these facts, the present PIO is directed to provide all information on the same lines as sought by the appellant. This order be complied within 15 days of the receipt of the order.

The 2<sup>nd</sup> appeal is disposed of accordingly.

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

Copy to the:-

1. First Appellate Authority, Public Service Commission, J&K, Jammu.
2. Public Information Officer, Public Service Commission, J&K, Jammu.
3. Shri Vilakshana Singh, Advocate R/o Sidhra Bypass, Opposite Eicher Workshop, Sidhra, Jammu (Appellant).
4. Pvt. Secretary to HCIC.
5. Guard File.

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