



## **Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269 , 2484262  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

[www.jksic.nic.in](http://www.jksic.nic.in)

\*\*\*\*\*

File No.SIC/CO/Comp/19/2013

Decision No.SIC/CO/Comp/19/2013/446

Title:- Shri Rameshwar Singh Jamwal R/o 34-B, Residential Complex,  
University of Jammu (9419193450).

V/s

Public Information Officer,  
Higher Education Department,  
Civil Secretariat, Srinagar.

Srinagar  
13-05-2913.

This is a complaint filed by Shri Rameshwar Singh Jamwal, a resident of the State against Deputy Secretary-Cum- PIO, Higher Education Department, Civil Secretariat, Jammu/Srinagar. Shri Sat Paul Bavouria, PIO attended and submitted a copy of rejoinder sent response to complainant. The commission had given opportunity to hear to Shri Rameshwar Singh Jamwal. However, he did not attend but before disposing of the complaint he was heard on telephone No.9419193450.

The brief facts of the complaint are that the complainant had filed an RTI application before the PIO on 15-12-2012 for seeking information. As very important matters of public interest have been raised in the RTI application, therefore, it will be proper and in the interest of transparency that information so sought is hereby reproduced as under:-

A. "The mode of appointment of one Dr. Rajinder Sharma, Lecturer, Botany presently posted in GGM Science College, Jammu.

B. The tenure of said Dr. Rajinder Sharma, Lecturer, Botany in Jammu, the tenure spent after his transfer to Srinagar in the year 2010-11 and the reasons of his re-transfer to Jammu without completion of tenure period and the reasons thereof for bringing him back to Jammu and giving a choice posting and the information about the officer on whose recommendation he was transferred back to Jammu.

C. Whether the department is aware that the said Dr. Rajinder Sharma, Lecturer, Botany spends most of his time making rounds of University of Jammu and gathering information about other persons ;and making frivolous cases/applications against them, if not then why and if yes then the action initiated against him.

D. Whether the department is aware that majority of the student studying from him are dissatisfied with his style of teaching, his unreasonable and illegal demands and have approached some student unions for action against him which have been taken up with the concerned quarters and the action taken against him due to his such activities.”

Significantly the information seeker has also given the reasons/purposes for which information is sought. The reasons so given are as under:-

“ The applicant is a public spirited citizen who wants to challenge the appointment of the said Dr. Rajinder Sharma, Lecturer, Botany and move for initiation of necessary action against him and against all those officers who have brought him back to Jammu without completion of tenure in Srinagar where he had been sent on similar complaints and wants the correct information as mentioned above for taking appropriate action in the matter and hence the present application under RTI Act.”

This application has admittedly been received by the PIO on 17-12-2012, hence information was to be given within maximum period of 30 days. The complainant has stated in his complaint that till the date of filing complaint in the commission he has not received any information from PIO. However, the PIO has insisted that an order was passed on 09-01-2013. Hence, there is no default on the part of the then PIO Mr. Subash Chander Chibber, Addl. Secretary/PIO, Higher Education Department. As per order copy which has been produced before this commission there was no information so asked by the complainant has been given. Only a very in signified portion of information has been disclosed which is as under:-

| <b>Name of the College</b>          | <b>From</b>   | <b>To</b>       |
|-------------------------------------|---------------|-----------------|
| S.P.College, Srinagar               | February 2003 | November 2004   |
| GGM Sc. College, Jammu              | November 2004 | July, 2011      |
| S.P.College, Srinagar               | July, 2011    | September, 2012 |
| Attached in GGM Sc. College, Jammu. | Sept. 2012    | Till date.      |

As no full and true disclosure has been made by the PIO to the information seeker as per mandate under State RTI Act 2009, hence, penalty proceedings under section 17 of the State RTI Act are initiated and Shri Subash Chander Chibber is directed to explain reasons why penalty may not be imposed. His reply must reach this commission within 15 days from the receipt of this order. The present PIO is directed to serve the copy of this order on Shri Subash Chander Chibber. It is seen from the record that the complainant is an Advocate in J&K High Court with more than 23 years standing at the Bar. Unfortunately he has not used the correct procedure for obtaining information. The scheme of the Act is that if the PIO does not pass an order on time or passes the order giving incomplete/incorrect/wrong information, the

information seeker should first apply before the FAA rather straightly rushing to Commission with a complaint. The Hon'ble Supreme Court of India has explained the significant impact of section 15 and 16 of State RTI Act (akin to same provision contained in Central Information Act 2005) and has held that the section 15 under which complainant is made is a supervisory provision whereas section 16 is mandatory provision. The Hon'ble Supreme Court further held that information seeker should not render the institution of FAA redundant. They should necessarily approach the FAA.

Sd/-  
G.R.Sufi

Chief Information Commissioner, J&K.

1. Public Information Officer, Higher Education Department, Civil Secretariat, Srinagar.
2. Shri Rameshwar Singh Jamwal R/o 34-B, Residential Complex, University of Jammu (9419193450).
3. Guard file.

(Mohammad Syed Shah)  
Registrar,  
J&K State Information Commission at Srinagar.