



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

File No.SIC/CO/Comp/15/2013

Decision No.SIC/CO/Comp/15/2013/447

Title:- Shri Arun Gandotra, Advocate C/o Bar Room No.1, Table No.74,
Court Complex, Janipur, Jammu.
V/s

Public Information Officer,
General Administration Department,
Civil Secretariat, Srinagar.

Srinagar
14-05-2013

This is a complaint filed by Shri Arun Gandotra, a resident of the State before this commission on 19-03-2013. The Registry of the commission fixed the complaint for hearing on 14-05-2013 vide notice No.SIC/CO/Comp/15/2013/1656-57 dated 15-04-2013. Mr. Manzoor Ahmad, Under Secretary-Cum-PIO, General Administration Department attended the hearing. The PIO has also sent statement of facts in response to commission's notice referred above. The complainant in spite of requesting him to assist the commission by attending the hearing, however, he did not attend but was heard on telephone No.9419255170.

The brief facts of the complaint are that the complainant had filed an RTI application before the PIO on 11-12-2012 for seeking certain information.

The PIO has stated that immediately after receiving RTI application invoked section 5(4) and 5(5) of the State RTI Act he wrote to other authorities vide No. GAD/RTI/660/2012 dated 17-12-2012 for seeking certain assistance and after receiving the said assistance on 08-01-2013 he forwarded the information to the complainant vide his No. GAD(Adm)RTI/660/2012 dated 09-01-2013. However, the complainant being aggrieved for allegedly not having received the order preferred first appeal before FAA on 07-02-2013. The FAA promptly disposed of the appeal vide order dated 14-2-2013 also enclosing a copy of information provided by the PIO to the complainant. The complainant in spite of this factual position filed the complaint before this commission complaining therein that he did not receive any information till date. Further, he had admitted of having received FAA's order which includes a copy of PIO's order but surprisingly on the one hand the complainant admitting of having received copy of information and on the other he is making a general remarks that he has not received the information and also by complaining that information is being concealed.

The commission has gone through the facts of the case. The PIO's contention is that he has dispatched the information by registered post. It is upon the complainant to prove that no order has been passed. Thus, attracting provision of section 17 of the State RTI Act. The complaint is accordingly dismissed and the complainant is advised that in future allegation have to be substantiated by production of evidence.

Sd/-

G.R.Sufi

Chief Information Commissioner, J&K.

Copy to the:-

1. Public Information Officer, General Administration Department, Civil Secretariat, Srinagar.
2. Shri Arun Gandotra, Advocate C/o Bar Room No.1, Table No.74, Court Complex, Janipur, Jammu.
3. Guard file.

(Mohammad Syed Shah)

Registrar,

J&K State Information Commission at Srinagar.