



J&K State Chief Information Commissioner
Old Assembly Complex, Srinagar. Fax ;0194-2484268,2484269
Wazarat Road, Jammu. Fax No: 0191-2520947, 2520927

File No.SIC/Co/SA/34/2013
Decision No.SIC/CO/SA/34/2013/456

Title:- Shri Pervaiz Ahmad Matta R/o The Bund, Amira Kadal, Srinagar.

V/s

1. Registrar General(FAA),
Hon'ble High Court, J&K, Srinagar.
2. Registrar Judicial(PIO),
Hon'ble High Court, J&K, Srinagar.

Srinagar
04-06-2013

This is a 2nd appeal filed by Shri Pervaiz Ahmad Matta, a resident of the State before this Commission on 03-04-2013. The hearing of this appeal was fixed by the Registry of this Commission vide notice under No.SIC/Co/SA/34/2013/835-37 dated 22-05-2013. Posting the hearing on 03-06-2013. The PIO could not attend the hearing and requested on phone to be heard on 04-06-2013. Shri Bashir Ahmad, Assistant Registrar has been deputed to attend the Commission.

The brief grounds of the appeal are that the appellant filed an RTI application before the PIO Hon'ble High Court, J&K which was received by the PIO on 04-07-2012 and he passed an order on 30-07-2012 which is within time. By this order the appellant was informed that the information sought "is partly available and can be disseminated after depositing of copying "due fee" and remaining information was not readily available because the same was being computerized." The appellant was also informed that the information pertaining to remaining cases can only be provided in case he furnishes the accurate date of disposal of each case. With regard to furnishing of accurate date of disposal of each case, the appellant submitted that it can be possible for him only in case he has copies of such cases with him. Therefore, he could not be expected to give the PIO any assistance to locate the files in the record room. The appellant has further pleaded before the Commission that it is the duty of public authorities to maintain their records in a manner which would facilitate right to information under the RTI Act. The appellant has further contended that after giving incomplete information he filed first appeal before the FAA which was sent under registered post on 19-12-2012, but he did not receive any order from FAA within time. Hence, he filed 2nd appeal. After receiving said appeal the commission registry has issued a notice to FAA. However, there is no response from the FAA and there is no reply from the FAA whether he has disposed of the first appeal filed before him. The attention of the FAA is invited to provision of Section 16 (7) of the State RTI Act 2009 which makes it statutorily obligatory for the FAA to adjudicate the appeal "within 30 days of its receipt or within such extended time not exceeding a total of forty five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing." The

Commission also draws the attention of FAA to Rule 8 of Jammu and Kashmir Right to Information Rules 2012 which reads as under:-

Procedure in deciding appeal:- In deciding the appeal the Commission may:-

- (i) hear oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear Public Information Officer, Assistant Public Information Officer or such Senior Officer who decided the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavit from Public Information Officer, Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

The commission after going through the records found that appellant was provided an opportunity to be heard by the FAA vide his notice under No.13269/LS dated 06-03-2013 and hearing was fixed for 25-03-2013. This notice admittedly has been received by the appellant but had informed the FAA that it was not possible for him to attend office at Jammu and he had accordingly sought a fresh date. Having considered these submission and after going through the records, the commission considers it appropriate to restore back the appeal

to the FAA with the directions to adjudicate the first appeal after giving a due opportunity of being heard. The appeal be adjudicated upon within 15 days from the receipt of this order. The appellant is also advised to approach this commission again under section 16 of the State RTI Act if there is no adjudication by the FAA.

Sd/-
G.R.Sufi
Chief Information Commissioner, J&K.

Copy to the:-

1. Registrar General (FAA), Hon'ble High Court, J&K, Srinagar.
2. Registrar Judicial (PIO), Hon'ble High Court, J&K, Srinagar.
3. Shri Pervaiz Ahmad Matta R/o The Bund, Amira Kadal, Srinagar.
4. Private Secretary to Hon'ble Chief Information Commissioner.
5. Guard file.

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