



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/SA/32/2013

Decision NO: SIC/CO/SA/32/2013/457

Title:- Mohd. Ayub Choudhary S/o Roshan Din
P/O Rakhison Rajouri
V/s
PIO Chief Minister's Secretariat,
Civil Secretariat, Srinagar

Srinagar
04.06.2013

This is a second appeal filed by Shri Mohd. Ayub Choudhary of Tehsil Rajouri, a resident of the State filed before this Commission on 12.4.2013. The First Appellate Authority in Hon'ble Chief Minister's Office Shri Ramesh Kumar Koul and PIO Shri Ram Savak attended in response to the Commission's notice. They have been heard. The appellant did not attend the hearing inspite of the fact that he was duly informed about the date of hearing.

The brief grounds of the appeal are as under:-

That the appellant filed an RTI application before the PIO in Hon'ble Chief Minister's office on 28.8.2012 seeking certain information as listed in the RTI application. The appellant alleges that "as he did not receive any response, therefore, he filed first appeal before the First Appellate Authority in the Chief Minister's office. Therefore, it is requested that the Commission pass directions for providing the information".

The PIO Shri Ram Savak has brought the attention of the Commission to his communication dated: 3.9.2012 under No: CM/S/RTI/103/2012. Vide this communication, the information seeker was informed that the information so sought was not being held by the public authority in Chief Minister's office. Therefore, his application was forwarded to the concerned PIO's in the offices of Principal Secretary/Commissioner Home Department, Rural Dev. Department, Revenue Department and General Administration Department. The forwarding has been done strictly in accordance with the provisions of

Section 6 of the State RTI Act within 5 days which is appreciated. The copy of this forwarding letter was duly forwarded to the information seeker. In spite of this, the information seeker continued with making correspondence with the office of PIO and First Appellate Authority in Chief Minister's office. The First Appellate Authority has disposed of the appeal vide his order No: CMS/FAA/03/2012 dated: 7.11.2012. Reiterating the stand of the PIO that the information not being held by the PIO, application has since been transferred to the concerned PIOs. Hence appeal was accordingly disposed of. The Commission has gone through the second appeal. No case has been made before the Commission to prove that the information so sought was held by the PIO in the Chief Minister's Secretariat. Nothing has been brought before this Commission to disapprove the fact that First Appellate Authority has also considered the appeal of the appellant. It is also seen that both the communications have been sent to the information seeker through speed post on 8.11.2012. Once the information seeker's application is transferred to another PIO working under a different public authority with proper intimation to the information seeker the responsibility of the concerned PIO ceases. The onus is shifted to the information seeker to seek the information from the concerned PIOs who are holding the information. Hence there is no substance in the appeal of the appellant. Secondly, without prejudice to these findings, RTI Act is giving a right to the residents of the State to seek information if available on record and redressal of the grievances, if any, or solution of the problems, the people have to resort to other available administrative avenues. The appeal is accordingly dismissed. The appellant is advised to follow the provisions of Section 6 of the State RTI Act and seek information from the concerned PIOs. However, the PIO is advised to again forward a copy of his earlier communication to the appellant.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Chief Minister's Secretariat, Civil Secretariat, Srinagar
2. Public Information Officer, Chief Minister's Secretariat, Civil Secretariat, Srinagar
3. Shri Mohd. Ayub Choudhry, S/o Roshan Din, R/o Rakhison, Rajouri
4. Pvt. Secretary to Hon'ble Chief Information Commissioner.
5. Guard file

(Mohammad Syed Shah)

Registrar

J&K State Information Commission
Srinagar.