



J&K State Information Commission
Old Assembly Complex, Srinagar . 0194-2484267
Wazarat Road, Near DC office , Jammu. 0191-2520937.
www.jksic.nic.in

File No: SIC/CO/Comp/20/2013
Decision No: SIC/CO/Comp/20/2013/459

Title:- Khursheed Ahmed Bhat S/o Ab. Gani Bhat
R/o Bugam Chadoora
District Budgam
V/s
Public Information Officer, SSRB
Srinagar
05.06.2013

This is a complaint filed by Shri Khursheed Ahmed Bhat, a resident of the State, for not getting a response to his RTI application from PIO SSRB. The complaint was posted for hearing today i.e 05.06.2013 vide this Commission's Registry Notice No: SIC/Co/Comp/ 2012-13/704-05 dated: 16.05.2013. PIO Shri Mohd. Baquir attended the Commission and informed that the order was passed on 4.1.2013 under No: RTI-446-A/13 dated: 4.1.2013. However, it is seen that this order has been passed by the APIO who has not even identified himself and is not competent under the Act to pass an order. As per the Act, it is only the PIO who has to pass the order and not the APIO, who as per the Act has only to "receive the applications for information or appeals under the Act for forwarding the same forthwith to the PIO or senior officer". As this order has been passed by an authority without any jurisdiction to pass such order, hence the order so passed by the APIO is held to be abintio bad in law and is vacated. Therefore, PIO Shri Baquir is directed to pass a fresh order, with a copy to this Commission, giving out the details of information as sought in the RTI application dated: 26.11.2012 and also explain the reasons why so far there is no order passed and, therefore, why penalty proceedings under Section 17

may not be initiated against him and his reply, if any, must reach this Commission within 15 days from the date of pronouncement of this order.

Sd/-
(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Public Information Officer, J&K SSRB, Srinagar
2. Shri Khursheed Ahmed Bhat, S/o Ab. Gani Bhat, R/o Bugam Chadoora, District Budgam
3. Private Secretary to Hon'ble Chief Information Commissioner.
4. Guard file.

(Mohammad Syed Shah)
Registrar
J&K State Information Commissioner