



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/44/2013

Decision No: SIC/CO/SA/44/2013/464

Title:- Satpal Dogra S/o Gurdial Dogra
W. No 10, H.No 174
R.S. Pora, Jammu
V/s
Registrar Board of Hemopathy.

Srinagar
19.6.2013

This is a second appeal filed by Shri Satpal Dogra, a resident of the State before this Commission on 22.4.2013. The PIO Shri R.K. Raina attended. The appellant did not attend inspite of giving a due opportunity of being heard. Thus the appeal is decided on the basis of record available.

2. Brief grounds of the appeal are that the appellant filed an RTI application dated: 17.10.2012 before the PIO seeking certain information. The appellant not being satisfied with the "incomplete, concealed and misleading information in the shapes eligible photocopies of only registered candidates"----- filed first appeal before Special Secretary to Government Health & Medical Education Department -cum- FAA. The FAA disposed of the first appeal on 15.3.2013 after providing further information and after noting that the appellant was satisfied with the information so provided. The appellant again not being satisfied with this order filed second appeal as referred above before this Commission.

3. Shri R.K. Raina, PIO insisted before the Commission that as the appellant was satisfied with the information so provided during the first appeal proceedings, therefore, second appeal should not have been entertained. On this PIO was directed to lead evidence in support of the findings of the FAA. But no such evidence have been produced.

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4. The appellant has contended that the information which was provided to him was incomplete and incorrect. While going through the various documents placed on the record, it becomes clear that information sought by the appellant in his original RTI application has not been provided strictly in accordance with requirements laid down in RTI Act. Secondly, during the proceedings before the Commission it was found that number of points of information sought were with regard to service of Shri R.K. Raina, Assistant Director who was also holding additional charge of Registrar Board of Hemopathy is PIO himself. Therefore, in accordance with the spirit of law it was proper for the PIO not to be judge in his own case and he should have requested the public authority to designate an independent PIO for this case as there is a question of conflict of interest. While designating posts and discharging the duties of a quasi-judicial nature, it is appropriate that the authority so vested with such powers as mentioned above is not only neutral but he should also seem to be neutral. Initially, when the information was provided as per annexure it was not ensured that the said annexure was legible. The copy so furnished to the information seeker is so eligible that nothing can be made out of it. All these facts don't generate only confidence and trust with regard to fair and independent functioning of PIO. The concerned public authority in this case is required to designate a separate PIO for this case so that he disposes of the RTI application dispassionately and in a fair manner. The Commission, therefore, directs that the such designated new PIO disposes of the RTI application within eight (8) days from the date of being designated as PIO. The Registrar of this Commission may accordingly write to the public authority for doing the needful.

5. The appellant has also not been careful in drafting his complaint carefully and highlighting and identifying the deficiencies and incompleteness in the information already supplied to him. The application written in English makes it very difficult for the Commission to comprehend what the appellant is actually intending to ask. The appellant is advised accordingly that in future in his application made to PIO, FAA or Second AA has to be very lucid in bringing out the areas of information in an appropriate and clear manner

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Health & Medical Education Department, Civil Sectt. Srinagar
2. Public Information Officer, Health & Medical Education Department, Civil Sectt. Srinagar
3. Shri Satpal Dogra S/o Gurdyal Dogra, W.No 10, H.No 174, R.S. Pora Jammu
4. Guard file
5. Private Secretary to Chief Information Commissioner

(Mohammad Syed Shah)

Registrar

J&K State Information Commission, Srinagar.