



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/43/2013
Decision No: SIC/CO/SA/43/2013/473

Title:- B.L. Nazar, R/o 72/2 Sharika Vihar
Roop Nagar, Jammu
V/s
Public Information Officer,
Directorate of Fund Office
Srinagar
27.6.2013

This is a second appeal filed by Shri B.L. Nazar, a resident of the State in this Commission on 18.5.2013 against the order of First Appellate Authority, Directorate of Funds, J&K Srinagar. The hearing of the appeal was fixed by the Registry of this Commission by its under Notice No: SIC/CO/SA/43/2013/1064-65 dated: 3.6.2013. In response to this notice Shri Gias-ud-Din Bhat, Deputy Director –cum-First Appellate Authority, Directorate of Funds Organization J&K Srinagar attended. The appellant also attended. In connection with information on point No. 1 i.e why the refund was given after nine months and whether delay was deliberate, the Commission observes that under the RTI Act no information seeker has been given a right to seek the opinion from a Government functionary if that opinion is not recorded. Without prejudice to this finding vide PIO's order dated: 17.4.2013, this point was replied. The Commission without going into the merits of the second appeal restores back the first appeal to the First Appellate Authority because he has not disposed of the appeal only on the plea that alleged deficiency in the first appeal was not removed. The First Appellate Authority is directed to decide the appeal within 15 days from the date of receipt of this order after giving due opportunity of being heard to the appellant.

Sd/-
(G.R. Sufi)
J&K State Chief Information Commissioner

Copy to:-

1. Deputy Director-cum-First Appellate Authority, Directorate of Funds Srinagar.
2. Public Information Officer, Director Funds Office, Srinagar
3. Shri B.L. Nazar R/o 72/2 Sharika Vihar, Roop Nagar, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file.

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