



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/45/2013

Decision No: SIC/CO/SA/45/2013/475

Title: Nazir Ahmad Chesti S/o Salam-Din-Chesti R/o Raj Bagh Colony Nagbal , Ganderbal

V/s

PIO JKPCC

Srinagar

03.07.2013

This is a second appeal filed by Shri Nazir Ahmad Chesti, a resident of the state and an employee of JKPCC Ltd. The brief grounds of appeal are that the appellant who is an employee of JKPCC filed an RTI application before the PIO JKPCC which was received by the PIO on 31.7.2012. An order on this application was to be passed within a maximum period of 30 days and PIO has passed the order on 14.8.2012 i.e within the time. However, this order is incomplete in the sense that the PIO did not inform the information seeker about his right to file first appeal and intimate the particulars of First Appellate Authority. The appellant not being satisfied with the order passed by the PIO filed first appeal before the FAA which was received in FAA's office on 23rd of April 2013. The FAA had to pass an order within 30 days or a further extended period of 15 days as per recorded reasons. The FAA failed to adjudicate the first appeal within time given to him under Section 16 of the State RTI Act. The FAA being a public authority is duty bound to discharge his duties which are assigned to him and in case he fails to discharge his duties, he is liable to be processed against his failure to discharge his duties.

2. It is reported that General Manager JKPCC Jammu is the designated First Appellate Authority. The Commission considers it appropriate to restore back the first appeal to First Appellate Authority with a direction to adjudicate the grounds of appeal raised in the appeal as per law laid down in Section 16 of the State RTI Act, with 15 days from the receipt of this order. The second appeal is accordingly disposed of.

3. Before concluding this order, the Commission would like to observe that the implementation of RTI Act by a public authority like JKPCC is highly warranted as JKPCC is a public authority/institution/organization which is vested with enormous funds for conducting various constructions allotted to JKPCC by various organs of the J&K Government. The basic rationale and purpose of the State RTI Act as laid down in the preamble of the Act is to ensure transparency and accountability of the public authorities. A public authority which has enormous funds and powers to spend the same is expected to be more sensitive and sincere in the implementation of the State RTI Act.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Public Information Officer, J&K PCC Ltd. Srinagar.
2. Shri Nazir Ahmad Chesti S/o Shri Salam-ud-Din Chisti, R/o Raj Bagh /colony Nagbal, Ganderbal.
3. Private Secretary to Chief Information Commissioner.
4. Guard File.

(Mohammad Syed Shah)
Registrar