



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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File No: SIC/CO/SA/115/2012  
Decision No: SIC/CO/SA/115/2012/477

Title:- Zahoor Ahmed Dar S/o Gh. Qadir Dar  
R/o Panzan Chadoora, District Budgam  
V/s  
Public Information Officer, JKPCC

Srinagar  
03.07.2013

This is a complaint filed by Shri Zahoor Ahmed Dar, a resident of the State, in this Commission on 4.2.2013 complaining therein that the Commission's order dated: 09.1.2013 was not complied by the PIO. The hearing of the appeal was fixed on 3.7.2013 vide this Commission's Registry Notice No: SIC/CO/SA/115/2012-1276-78 dated: 19.06.2013. The PIO JKPCC attended the hearing. He has stated that he passed order on 19.01.2013 which is well within the directions of the Commission. The complainant during the hearing confirmed of having received the copy of order but insisted that the information so given was not complete and in certain respects was incorrect. The Commission has accordingly compared information as under given by the PIO and complainant's comments:

<b>Information sought by the information seeker</b>	<b>Reply by the PIO JKPCC and complainants comments</b>
<p>1. Kindly let me know why the orders issued by the Hon'ble High Court J&amp;K Srinagar is not being implemented by the JKPCC Management</p> <p>2. Kindly provide copy of the compliance report in connection with the orders issued by the Hon'ble High Court in the case of Zahoor Ahmad Dar Vs M.M. Gupta &amp; others under SWP No: 361/2012, CMP No: 619/2012.</p> <p>3. Kindly clarify the factual position as to why the JKPCC management is not implementing its own orders. Besides, it is not understood as to under whose orders my salary has been stopped a copy of the same may please be furnished.</p> <p>4. Provide the Xerox copies of the orders issued in favour of the consolidated workers working in your corporation by which status from casual labour(s) to consolidated worker(s) have been changed with their initial appointment orders.</p>	<p>1. This information has been admitted by the complainant to have received which was passed by the PIO on 19.1.2013 and which was sent to the complainant by registered post.</p> <p>2. This has been replied. Hence no basis for complaint.</p> <p>3. Information on point No. 3 has been given. Hence no cognizance of alleged non-compliance.</p> <p>4. It has been found that information has been partly given. Complainant states that the department has ordered conversion of casual labours into consolidated workers in 44 cases. The complainant further states that he has received information pertaining to only 16 such cases. PIO has submitted that full information on this point was not in his</p>

<p>5. What criteria has been adopted by the JKPCC management while changing the status from casual labour(s) to consolidated worker(s) or engaging them directly on consolidated salary. Is it a) Qualification b) seniority c) political influence d) loyalty with the officers of the corporation or what</p> <p>6. Name the competent authority who have changed status of casual workers into consolidated workers also clarify what kind of codal formalities have been fulfilled while changing their status from casual labours to consolidated workers</p> <p>7. Provide engagement orders copies of re-engaged consolidated workers who have been posted in various units of JKPCC as per the directions of Hon'ble High Court J&amp;K Srinagar</p> <p>8. Name the consolidated workers who have been engaged directly on consolidated basis in the Corporation.</p>	<p>possession and he has to collate and collect this information after obtaining same from other designated PIOs working under the same public authority. PIO's attention is invited to provisions of Section 5 of State RTI Act vide which he is required to write to other PIOs and other concerned officers for providing of relevant information within 5 days and he should also write to them that in case they don't assist the PIO to provide the information they will be declared as deemed PIOs and all penal and other actions provided under the Act will be initiated against them. PIO is directed to accordingly obtain this information and provide the same to the information seeker within 10 days from the date of receipt of the order.</p> <p>5. The information on point 5 has been given by the PIO vide his order dated: 19.1.2013 which is admittedly received by the information seeker. No further action is required.</p> <p>6. The information sought on point 6 has been provided at point No. 5 of the order of PIO wherein he admits that there was no criteria adopted for changing the status from casual labours to consolidated workers.</p> <p>7. Information sought at point 7 of the application has also admittedly been received by the complainant. Hence no further action.</p> <p>8. Complainant had sought names of the consolidated workers who were engaged directly on consolidated basis in the Corporation. The PIO in his order referred above has confirmed that there was no proper record pertaining to engagement of these workers. The PIO has further submitted before this Commission that the complainant had not asked the copies of orders. He had simply asked the names. However, the Commission has considered the gravity of the situation. The PIO has not obviously come out with full names on the plea that there was no proper record. Commission is at a loss to understand how without record, wages were drawn by the DDO and amount was ordered to be released by the AAO. This information be collected from wage Bill section and Assistant Accounts Officer. The Commission, for bringing transparency and accountability in the system, has ordered for disclosure of such information though admitting the PIO's submission that this information i.e list of such employees</p>
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	were not asked by the complainant. This information be provided to the information seeker within 15 days from the receipt of this order. The complaint is accordingly disposed of subject to the implementation of directions made above.
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Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner.

Copy to the:-

1. Public Information Commissioner, JKPC.
2. Shri Zahoor Ahmad Dar S/o Shri Gh. Qadir Dar R/o Panzan Chadoora, District Budgam.
3. Private Secretary to Hon'ble Chief Information Commissioner.
4. Guard file.

( Mohammad Syed Shah )

Registrar

J&K State Information Commission, Srinagar