



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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[www.jksic.nic.in](http://www.jksic.nic.in)

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File No: SIC/CO/Comp/25/2013

Decision No: SIC/CO/Comp/25/2013-483

Title:- Subash Singh Jasrotia, H.No: 210

Old Janipur, Patoli Morh, Jammu

V/s

Public Information Officer, J&K SRTC

Srinagar

15.07.2013

A complaint by Shri Subash Singh Jasrotia, a resident of the State, has been received in this Commission on 8.5.2013 stating therein that he had filed an RTI application on 19.1.2013 before General Manager Administration, J&K SRTC who is designated PIO of the public authority of JKSRTC. An order was to be passed on this application as expeditiously as possible but not later than 30 days of the receipt of application. As this application was received on 19.1.2013, therefore, order was to be passed by 18.2.2013. But it has been passed on 5.3.2013. Thus there is a delay of more than 15 days. PIO states that he was new to this job at that time, hence the delay occurred. Keeping in view the explanation of the PIO, no further action is taken on this account. However, the PIO is once again advised that as PIO he is acting as a quasi-judicial authority, therefore, he should adhere to the time limit laid down under the Act.

2. The Information seeker not being satisfied with the reply of the PIO moved another application before Managing Director, JKSRTC. The MD not being the FAA forwarded this letter to General Manager Operations-cum-PIO. The PIO again send the same information which was sent vide his original order dated: 5.3.2013. The ideal situation under the act for the appellant was to file his first appeal before the FAA which has not been done apparently because of lack of awareness about the provisions of the RTI Act. Again not being satisfied with the action of the authorities, the appellant filed above mentioned letter which is treated as second appeal in this Commission wherein he contends that information which was received vide order dated: 5.3.2013 was incomplete and incorrect and when he approached higher authorities he was again provided incorrect and incomplete information. Therefore, he is requesting the Commission to pass a direction for ensuring providing of complete and correct information to him.

3. It would be relevant to know what information was requisitioned by the information seeker. As per his original RTI application he wanted the following information:-

1. Suspension order No: JKSRTC/MPS/J/852 dated: 4.6.2012 and all other papers relating to the suspension of Subash Singh Driver (complete file).

2. Copy of re-instatement order and all other papers of enquiry file pertaining to the reinstatement of Subash Singh, Driver

It would be relevant also to note that the appellant is a class III employee in the JK SRTC and he was put under suspension by Manager Passenger Services JKSRTC vide order dated: 4.6.2012. Normally this order should have been served on the suspended employee immediately after he was suspended so that he can take remedial measures that are available to him under service rules. This Commission repeatedly made query with the PIO to inform this Commission whether the copy of order of suspension was immediately served on the suspended official. To the date of applying for RTI apparently no order copy was served on him. Thus, it seems to be an attempt to obstruct the aggrieved employee from proceeding further under the service rules and other provisions of law. Vide PIOs order the copy of suspension was served on him on 20.3.2013. Second limb of information was to provide copy of reinstatement order and all other papers pertaining to enquiry file which was refused to the

appellant as per the following reasons conveyed by the PIO to the appellant vide his letter dated: 5.3.2013:

**“The case file in terms of para 8 of RTI Act cannot be provided”.**

Obviously the PIO has not applied his mind and not passed a speaking order. What he means by para 8 is exempted clause, as provided in the Section 8 of the State RTI Act. The PIO has grievously erred in invoking provisions of Section 8 which otherwise under no circumstances are applicable. The PIO is, therefore, directed to provide this information to the appellant within 15 days from the pronouncement of this order. He is also directed to report the compliance to this Commission and he is also advised that in future he should carefully go through the provisions of Section 8 so that provisions of Section 8 are not casually applied with the purpose of denying giveable information. The information seeker is also advised to report to the Commission if he is not provided the sought information from the PIO JKSRTC within 15 days. The complaint is accordingly disposed of.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. Public Information Officer, JKSRTC, Srinagar
2. Shri Subash Singh Jasrotia, H.No: 210, Old Janipur, Patoli Morh, Jammu
3. Private Secretary to Chief Information Commissioner
4. Guard File.

( Mohammad Syed Shah )

Registrar

J&K State Information Commission, Srinagar