



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/53/2013.

Decision No - SIC/CO/53/2013/489

Title: Mushtaq Ahmed Khan R/o Al Mustafa Colony

Khawaja Bagh, Baramulla.

V/s

Public Information Officer, JKHPMC

Srinagar

20.08.2013

This is a second appeal filed by Shri Mushtaq Ahmed Khan, a resident of the State. The brief grounds of appeal are as under:-

That the appellant filed an RTI application under Section 6 of the State RTI Act on 28.1.2013 which was responded by the PIO on 27.2.2013 which is within time. The appellant not being satisfied with the information given to him by the PIO preferred first appeal before the FAA, who is the Managing Director of JKHPMC, which was received by him on 28.3.2013. The FAA, as per Section 16 of the State RTI Act was duty bound to adjudicate the appeal within 30 days after duly giving an opportunity of being heard to the appellant. However, in spite of delay of nearly three months, the FAA has not discharged his duty which as a public authority has been assigned to him as FAA under the State RTI Act. The FAA being a superior officer than the PIO is expected to discharge his duties in accordance with law. It is expected that in future the senior officers will comply with the provisions of law.

2. The appellant being aggrieved by the inaction of FAA preferred a second appeal before this Commission on 22.7.2013 with a request that FAA be directed to dispose of the appeal. The appellant is also insisting that information so provided to him by the PIO is incomplete. Therefore, the appeal is restored back to the FAA for adjudication with the direction that he should consider grounds of appeal

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and ensure that complete and correct information as sought by the appellant vide his RTI application dated: 28.1.2013 is provided to the appellant within ten days from the pronouncement of this order.

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:

1. First Appellate Authority, J&K HPMC Srinagar
2. Public Information Officer, JKHPMC, Srinagar
3. Shri Mushtaq Ahmed Khan, R/o Al Mustafa Colony, Khawaja Bagh, Baramulla
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(M.A. Wani)

Deputy Secretary/Joint Registrar
J&K State Information Commission