



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)

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File No :- SIC/J/Comp/66-2011  
Decision No - SIC/J/Comp/66-2011/493

**(Hearing through Video Conferencing)**

Title:- V.K. Kandari,36  
Lower Laxmi Nagar  
Sarwal, Jammu.  
V/s  
Public Information Officer  
General Admn. Department/  
Education Department

Jammu  
26.08.2013

This is a complaint filed in this Commission by Shri V.K. Kandari, a resident of the State on 15.3.2013. PIO GAD has confirmed that entire information pertains to Education Department because the information seeker is an employee of Education Department and all information pertained to Education Department but forwarded the same after they received a copy of representation from Chief Secretary. The information has been given by Shri Anil Sharma, Under Secretary-cum-PIO Education Department. This is in accordance with the findings given in Commission's order dated: 14.7.2011. Therefore, the Complainant's assertion that information was not provided by the GAD is not borne from the facts. The order of the Commission was forwarded not only to GAD but to Education Department also for compliance. The order has been complied. Information seeker is concerned with the information sought under RTI application. As the information was possessed by Education Department, therefore, same was provided to him. Hence, there is no further cause of action.

2. It is further observed that in this case the complainant is repeatedly filing complaints on one pretext or other. Commission has been repeatedly seeking his assistance and cooperation and attendance before the Commission but he has been conveniently excusing himself from attending before the Commission. The second point in his complaint is that the file notings sought by him vide his RTI application dated: 12.6.2010 and provided

to him by the Education Department is not relevant. During the hearing the Under Secretary-cum-PIO Education Department Shri Tahir Mustafa Malik has deposed that 47 pages of file notings have been given to the complainant without any cost. The PIO is insisting that the same notings were given to Shri Kandari which were requested by him in RTI application. This is a settled legal position that if any body and any party to a dispute wants to disprove the correctness, completeness and genuineness of any document, evidence or information, onus is on him to prove before the quasi judicial authority like Commission that information has not been given to him correctly and as per his requirement. As Shri Kandari has repeatedly failed to argue his case before the Commission and prove that the information so provided to him is incomplete. The Commission has no mechanism of its own to prove that information given by PIO is incorrect. The complaint of Shri Kandari on this point has not been substantiated and Commission, therefore, refuses to take any cognizance. The last point in the complaint is that an arbitrary amount was demanded to be deposited for seeking information and a request was made to the Commission for setting aside such requisition. The Under Secretary-cum- PIO Education Department Shir Tahir Mustafa Malik has deposed before the Commission that PIO has not insisted on the deposit of said amount and information has already been provided without receiving any copying charges. Complaint is accordingly dismissed as being unsubstantiated.

3. The complainant Shri Kandari is advised that as and when he files any complaint or appeal before the Commission on contentious issues, he should ensure that he either represents himself before the Commission or sends his authorized representative to substantiate points of dispute between him and the PIO. He should also intimate this Commission the correct address for dispatch/service of notices because office of the Commission has informed that even if there are some people at his Jammu address, they are refusing to receive the notices. In future the process server of this Commission should affix the notice properly or the official should send the notice by registered post. The complaint is accordingly dismissed.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:

1. Public Information Officer, General Administration Department Civil Sectt. Srinagar
2. Public Information Officer, Education Department, Civil Secretariat, Srinagar
3. Shri V.K. Kandari,36, Laxmi Nagar, Sarwal, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard File

(Khalid A. Shah )

Deputy Registrar

J&K State Information Commission,Jammu