



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No: SIC/CO/SA/48/2013
Decision No: SIC/CO/SA/48/2013/502

Title:- Dr. Vivek Sharma
V/s
PIO Public Service Commission
Srinagar
09.09.2013

This is a second appeal filed by Dr. Vivek Sharma, a resident of the State which was received by this Commission on 12.07.2013 against the failure of FAA and PIO of J&K Public Service Commission in providing him with the information which he had sought from them vide his RTI application dated: 25.2.2013. The hearing was fixed on 09.09.2013. The PIO Public Service Commission was present. As per records it was revealed that PIO passed the order on his application on 19.03.2013 within the stipulated time informing the information seeker that information at point No: 1 and 6 sought by him falls under the ambit of third party information under Section 11 of the J&K RTI Act, 2009 and cannot be provided without the consent of the third party. Not satisfied with the reply of PIO, the information seeker filed first appeal before the FAA on 15.04.2013 with the request the order passed by the PIO on 19.3.2013 be quashed and disciplinary action may be taken against the PIO. The FAA passed order No: 112-PSC of 2013 dated: 26.4.2013 after hearing the counsel for the appellant and ordered that the information sought by the appellant be provided to him within the stipulated period of time and disposed off the first appeal. The order passed by the FAA was well within the stipulated period. It is seen from the records that the erstwhile PIO of Public Service Commission shri Dilshad Ahmed Baba has provided the appellant with the information on 31.7.2013. The appellant filed second appeal in the Commission on 09.07.2013 because despite order of the FAA, PIO did not provide him the required information till 9.7.2013. He has prayed before this Commission to direct the FAA and PIO to provide him with the information and has also prayed for imposing penalty on the PIO and he has malafidely and intentionally not complied with the orders of the FAA.

2. The present PIO submits that the appellant was provided with the information on 31.07.2013. The PIO J&K Public Service Commission has not acted according to the J&K State RTI Act and has delayed the information to the information seeker which attracts the proceedings under

Section 17 of the J&K Information Act. The PIO, J&K Public Service Commission is directed to explain why penalty proceedings under Section 17 of the J&K State RTI Act may not be initiated against him. His reply if any, must reach this Commission within 15 days from the receipt of this order.

Sd/-
(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K Public Service Commission, Srinagar
2. Public Information Officer, J&K Public Information Officer, Srinagar.
3. Dr. Vivek Sharma, S/o Shri Swami Raj Sharma C/o B.R. Manhas, Advocate, 164, Janipur Colony, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard File

(Ghulam Qadir Bhat)
Registrar
J&K State Information Commission, Srinagar