



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No. SIC/CO/SA/54/2013

Decision No. SIC/CO/SA/54/2013/503

Title :- Ms Veena Goel R/o H.No. 90, Sector 3, Channi Himmat Jammu

V/s

First Appellate Authority/Public Information Officer,
General Administration Department

Srinagar

23.09.2013

This is a second appeal filed by Ms Veena Goel a resident of the State received in this Commission on 12.08.2013. The Commission after receiving the appeal sought comments of the First Appellate Authority (FAA) as well as personal appearance of FAA, PIO and the appellant. Both FAA and PIO did attend. However, appellant did not attend on the plea that she has to come from Jammu.

The Commission has heard FAA as well as PIO and gone through the grounds of appeal agitated by the appellant vide her appeal dated 12.08.2013. The brief grounds of appeal are that the appellant filed an RTI application before PIO on 23.04.2013. PIO immediately after receiving the RTI application had invoked Section 5(4) and 5(5) of RTI Act 2009 by writing to his counterparts in the department to provide assistance to enable the PIO to pass on the information. Thus delay of a few days is attributable to the officers whose assistance was sought and delay on their part was caused due to closures of offices on account of Darbar move. As the delay is explained, hence no action under Section 17 is initiated.

PIO passed an order accordingly on 30.05.2013 asking the appellant to wait for sometime so that files are received from concerned sections. Not being satisfied with this order the appellant filed first

appeal before FAA on 10.06.2013 alleging that the reply of the PIO was totally unsatisfactory. FAA after duly considering all the facts passed an order on 20.06.2013 which is well within time. FAA after going through the relevant facts concurred with the view of the PIO that the files were not with the PIO and he had directed that as soon as the files are returned back the information be communicated to the appellant immediately. As per grounds of the appeal of the appellant the information was not provided to her inspite of directions of the FAA. The Commission has also heard the appellant on telephone No. 9419147755. She is still insisting that she be provided information particularly copy of guidelines/orders issued by GAD for permanent absorption of the employees in other departments while on deputation. PIO submitted that information was later on provided to the appellant vide order under No. GAD/RTI/804/2013 dated 16.07.2013 followed by another order dated 16.08.2013. As the appellant does not seem to be satisfied with this information the Commission has perused the RTI application carefully and has compared it with the information supplied to her.

First point of information sought by her was to inform her what action was taken on the court order dated 21.02.2013. PIO has informed the appellant that the issue is being examined and orders of the authorities were not yet received in the Section. In Commission's view this point of information has been replied. Now if the appellant feels that court orders have not been implemented, this is not within the purview of the Commission. The appellant is at liberty to take any other legal course available to her. Second point of information was with regard to the copies of notes made on file, officers name wise in the said case and court order dated 21.02.2013. PIO has taken the Commission through the copies of the notings file. It has been found that the copies of the notings have been given. However, names of the officers have not been given. Therefore, PIO is directed to ensure that the names of the officers who have initiated these notings are communicated to the appellant within 15 days from the date of pronouncement of this order. The third point of information is provision of copies of orders for permanent absorption of officials posted by GAD after the year 2003 till date. PIO has stated that this information has also been provided to her and is attached as Annexure. So far compliance with the RTI application with this point is concerned it is complete. Needless to mention that if the appellant is not satisfied with this information the onus is on the appellant to explain the same before the Commission. PIO to this query has replied that no specific guidelines/orders have been issued on the subject. The appellant in her second appeal has not specifically brought out anything to show that PIO has provided

any wrong or incorrect information. However, PIO is once again directed to again reconsider this issue and provide the information to her whether any general orders or specific instructions have been issued by the Govt. on this issue.

The second appeal is accordingly disposed of.

Sd/-

(G. R. Sufi)

Chief Information Commissioner

Copy to :-

1. First Appellate Authority/Special Secretary to Govt. General Administration Department, Civil Secretariat, Srinagar.
2. Public Information Officer/Under Secretary to Govt. General Administration Department, Civil Secretariat, Srinagar.
3. Ms Veena Goel R/o H.No. 90, Sector 3, Channi Himmat Jammu.
4. Guard file.

(G.Q. Bhat)

Registrar,

J&K State Information Commission