



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/SA/63/2013

Decision No: SIC/CO/SA/63/2013/516

Title:- Vikram Singh
V/s
PIO JKTDC

Srinagar
15.10.2013

This is a second appeal filed by Shri Vikram Singh, a resident of the State before this Commission on 02.09.2013. FAA and PIO JKTDC attended. Complainant did not attend.

1. Brief grounds of the appeal are that the appellant filed an RTI application before the PIO JKTDC on 1.4.2013. After receiving this application, the PIO vide his order dated: 26.4.2013 asked the appellant for payment of Rs.174/ as copying charges for 87 pages. The appellant deposited requisite amount on 30.4.2013. As per the State RTI Act, there is an institution of APIO. But such institution is only intended to receive and forward applications to PIO, FAA and if approached by any resident appeals and complaints meant for State Information Commission; As per the provisions of Section 7 any order in providing or denying information has to be passed only by **the concerned PIO** and not by any other officer. Hence the order passed by somebody on behalf of PIO is ab-intio bad in the eyes of law. The order so passed by an unauthorised authority is annulled. The present designated PIO is directed to pass an order within 15 days addressing the points of information raised by the appellant. The then PIO Ms. Rifat Kohli is directed to explain reasons why penalty proceedings as provided under Section 17 of the State RTI Act may not be initiated against her for not passing orders with

in 30 days. Her reply, if any must reach this Commission within 30 days from the receipt of this order. The present PIO is directed to serve a copy of this order on Ms. Rifat Kohli, the then PIO JKTDC. The appeal is accordingly allowed.

Sd/-
(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, JKTDC, Srinagar
2. Public Information Officer, JKTDC Srinagar
3. Ms. Rifat Kohli, Ex-PIO JKTDC
4. Shri Vikram Singh, S/o Sh. Teja Singh, H.No:162 Gali Khilonia Danga Jammu
5. Private Secretary to Chief Information Commissioner
6. Guard file

(G.Q. Bhat)
Registrar
J&K State Information Commissioner