



J&K State Information Commission
Old Assembly Complex, Srinagar . 0194-2484267
Wazarat Road, Near DC office , Jammu. 0191-2520937.

www.jksic.nic.in

File No: SIC/J/A/256/2013
Decision No: SIC/J/A/256/2013/520

Title: Mohammad Sadiq
V/s
Tehsildar Settlement-cum-PIO
Jammu

Jammu
04.11.2013

This is a second appeal filed by Shri Mohammad Sadiq, a resident of the State, against the failure of PIO to pass an order under Section 7 in response to the RTI application filed on 4.5.2013. Shri Sher Singh, A.C Revenue attended on behalf of FAA. Shri Ravinder Sharma, Tehsildar-cum-PIO and the appellant Shri Mohammad Sadiq attended and they have been heard. It is admitted fact that PIO did not pass an order under Section 7 which he was required after receiving the RTI application forwarded by the D.C office on 7.5.2013. The PIO instead of passing the order directed his Patwari Sunjwan to provide information and pass order which is not in accordance with law. The PIO is a quasi judicial authority under the State RTI Act and he cannot delegate his powers of passing order under Section 7 of the State RTI Act to any of his subordinate officers. PIO Shri Ravinder

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Sharma is accordingly directed to explain why penalty under Section 17 of the State RTI Act may not be initiated against him for his failure to pass order within time. His reply, if any, must reach this Commission within 20 days from the date of receipt of this order. After having not received the information, the appellant filed first appeal before the FAA seeking a direction for the PIO for providing the information. The appeal was filed on 23rd of August 2013 which had to be adjudicated upon within a maximum period of 45 days i.e with 15 days extension after recording reasons in writing. However, the FAA also failed to discharge his duties which are cast on him under Section 16 of the RTI Act. Hence, this appeal before the Commission. Therefore, the Commission considers it appropriate to restore back the matter to the FAA namely D.C Jammu with the direction to adjudicate the appeal and ensure that information is provided to the information seeker. The appeal be adjudicated upon within 15 days from the date of receipt of this order after giving due opportunity of being heard to the appellant with an intimation to this Commission.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority D.C Office Jammu
2. PIO-cum Tehsildar Settlement Jammu
3. Shri Mohammad Sadiq, C-3 Vill. Enclave East Extl/C Trikuta Nagar, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file

(G.Q. Bhat)

Registrar

J&K State Information Commission