



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/254/2013

Decision No: SIC/J/A/254/2013/525

Title:- Sh. Surat Saroop Gupta

V/s

PIO Directorate of School Education

Jammu

Jammu

08.11.2013

This is a second appeal filed by Shri Surat Saroop Gupta, a resident of the state against the failure of PIO Shri Saif Ali Chouhan Joint Director-cum-PIO Directorate of School Education Jammu in providing the information as provided under the provisions of the State RTI Act.

2. The brief facts and grounds of the appeal are that the appellant Shri Surat Saroop Gupta filed an RTI application in the office of PIO Directorate of School Education, Jammu on 30.5.2013 seeking the following information:

1. Certified copy of application for the post applied for along with required document enclosed.
2. Certified copy of the service record.
3. Certified copy of engagement/appointment order.
4. Certified copy of attendance from the date of joining to till date.
5. Certified copy of salary statement from the date of joining to till date.

6. Details of mode of salary received. If cash then acquaintance roll, if other pls forward complete details.

Personnel Officer, and not the PIO, in the Directorate of School Education Jammu forwarded/transferred the said application to PIO, office of Chief Education Officer, Kathua on 4.6.2013 for providing the information to the information seeker. The PIO Kathua did not provide the information to the information seeker and PIO Directorate of School Education Shri Saif Ali Chouhan who is also the Joint Director sent a final reminder to PIO/CEO Kathua impressing upon him to provide the information to the information seeker within two days positively with an intimation to his office failing which the defaulter shall be liable to penalty under Section 17 of the State RTI Act and shall be personally answerable to the authorities. Having failed to receive the information, the appellant came directly to the Commission with an appeal. But the Commission vide its letter No: SIC/J/D-103/2013/3507 dated: 31.8.2013 asked the appellant to file first appeal before the FAA and if he is aggrieved with the orders of the FAA then he may file second appeal in this Commission. Accordingly, the appellant filed first appeal before the FAA on 16.9.2013. Having failed to receive any information from the PIO/FAA, he filed second appeal before this Commission on 18.10.2013 requesting for a direction for providing the information. Accordingly notices were issued to the FAA and PIOs of Directorate of School Education Jammu and Kathua. Shri Rahul Sharma, Joint Director on behalf of FAA attended. Shri Saif Ali Chouhan, JD-cum-PIO Directorate of School Education Jammu and Shri J.K Sudan CEO-cum-PIO Kathua and Shri Khazan Chand ZEO Malhar and the complainant Shri Surat Saroop Gupta attended the hearing on 08.11.2013. They were heard threadbare.

3. The appellant ultimately received the information after the Commission had issued the notices to the PIO and FAA. Even then the information is alleged to be incomplete. Information on point No: 1 is given but is found to be incorrect. Information on point No: 2 regarding service record was not provided as the term used was very vague because there was no service record of the RETs in the sense that there is no service book etc maintained. Under RTI if the information seeker does not clearly mention what is required it cannot be later on amended or modified during the appeal before the Commission. However, officers of the Education Department have voluntarily given the information on point No: 2. Information on point No: 3 was not provided to the information seeker but is now

handed over to him. Information on point No: 4 and 5 and 6 is given now during the hearing.

4. The PIO Directorate School Education Shri Saif Ali Chouhan has failed in his duties as cast on him under the provisions of the State RTI Act and has tossed the application from one office to other with the result that the appellant did not receive the required information within the stipulated time which has now been provided to the appellant only after the notices for hearing the second appeal was issued by this Commission. PIO has taken five months in delivering the information to the information seeker. PIO Directorate of School Education Shri Saif Ali Chouhan is directed to explain why penalty under Section 17 of the State RTI Act may not be imposed upon him. His reply, if any, must reach this Commission within 15 days from the receipt of this order. Appellant is also advised to inform the Commission whether he has received the whole information. The second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Director School Education Jammu
2. Shri H.R. Pukhloo, First Appellate Authority, Directorate of School Education Jammu
3. Shri J.K. Sudan, CEO-cum-PIO Kathua
4. Shri Saif Ali Chouhan, Joint Director-cum-PIO, Directorate of School Education Jammu
5. Shri Khazan Chand, ZEO Malhar
6. Private Secretary to Chief Information Commissioner
7. Guard File.