



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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

www.jksic.nic.in

File No: SIC/CO/Comp/59/2013

Decision No: SIC/CO/Comp/59/2013/528

Title:- M.K. Bhan

V/s

PIO BOSE

Jammu

18.11.2013

This is a second appeal filed by Shri M.K. Bhan, a resident of the state against the adjudication of his first appeal dated: 25.7.2013 by the FAA. Not being satisfied with the decision of the FAA, appellant Shri Bhan filed second appeal before this Commission on 5.8.2013. The first ground of the appeal of the appellant is that the notice of hearing issued by FAA for his presence and pleading the case before FAA was dispatched on 23.7.2013 i.e after a gap of 8 days. As he received notice very late, therefore, obviously he could not appear before the FAA and thus appeal was decided without hearing him. He has alleged that information which was given to him is not correct. The Commission has heard both the parties i.e FAA as well as the appellant and the learned counsel of BOSE Shri B.S. Bali. From the records it is seen that there has been considerable delay of sending notices to the appellant enabling him to appear before the FAA to argue his case. Under the circumstances, the Commission considers it appropriate to restore back the appeal to the FAA with a direction that the appeal be heard afresh with a due opportunity of being heard to the appellant and reasonable time be given to him so that notice is served on him well before his attendance and he is properly heard. FAA is directed to pass the order within 15 days from the date of receipt of this order. The appellant is also advised that he should ensure that he attends before the FAA and proves his contention with the support of provisions of RTI Act that the PIO's order passed on 3.6.2013 is not in

accordance with the provisions of law contained in section 6 and 7 of the State RTI Act. FAA is also advised to keep in view the fact that no personal opinion by any officer which is not on record can be given under the State RTI Act. What is to be given under the State RTI Act is information which is proved to be existing in the records held by the said public authority. Secondly, the appellant is also advised to know that the mandate of the State RTI Act is to ensure that residents of the State get the information which the public authorities are holding or possessing or can obtain from other officers. If on the basis of any information, any information seeker comes to know that a gross irregularity has been committed by any public authority, the redressal of the said irregularity and consequent actions arising on the basis of said information is subject matter of other enforcing agencies of the State.

The appeal is accordingly disposed of subject to the above observations.

Sd/-
(G.R. Sufi)
J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K Board of School Education Jammu
2. Public Information Officer, J&K Board of School Education, Jammu
3. Shri M.K. Bhan, Academic Director/Principal C/o SGGI Model School
SVS Educational Complex, Sunderbani, Rajouri.
4. Private Secretary to Chief Information Commissioner
5. Guard File

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

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