



J&K State Chief Information Commissioner  
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File No.SIC/CO/Comp/69/2013  
Decision No.SIC/CO/Comp/69/2013/529

Title:- Shri Naresh Gupta R/o 140, Paharian Street, Jammu.

V/s

1. First Appellate Authority,  
School Education Department,  
Civil Secretariat, J&K, Jammu.
2. Public Information Officer,  
School Education Department,  
Civil Secretariat, J&K, Jammu.

Jammu  
18-11-2013

This is a second appeal filed by Shri Naresh Gupta, a resident of the State before this commission on 08-08-2013. The brief grounds of the case are that the appellant had filed an RTI application before the Under Secretary-Cum-PIO, School Education Department, Jammu on 12-04-2013. The PIO had to pass an order as expeditiously as possible but not later than 30 days. The appellant did not receive any order and accordingly he preferred first appeal before the FAA. The appeal was

received in the Office of Deputy Secretary/FAA on 19-06-2013 who did not adjudicate the appeal within the statutory period of time. The FAA instead of deciding the appeal within 45 days has returned back the appeal to the appellant with the directions he should appeal before the FAA of Directorate of School Education, Jammu. After not having received FAA's order he preferred second appeal before this commission which is being hereby disposed of. The PIO Mr. Ajay Bharti has taken the plea that the application has been forwarded to PIO, Directorate of School Education, Jammu.

The commission has gone through the correspondence of the PIO with the PIO, Directorate of School Education, Jammu and has found that forwarding was not done in accordance with the provisions of State RTI Act. The PIO should have forwarded the same under section 5(4) &(5) and not under section 6, as both the PIOs are working under the same public authority i.e Secretary, School Education Department. The PIO, Directorate of School Education has not acted on the letters of the PIO. Even the reminders have been ignored. Therefore, Mr. Said Ali, Joint Director-Cum-PIO is directed to explain why penalty may not be imposed on him for not rendering the assistance to the PIO as provided under section 5 (4) &(5). His reply if any must reach to this commission within 15 days from the receipt of this order. The PIO Mr. Ajay Bharti is directed to serve a copy of this order on Mr. Saif Ali. Mr. Ajay Bharti, PIO is also directed to explain why he did not appreciate the provisions of section 5 and 6 of the RTI Act and took appropriate action. The FAA/

Deputy Secretary, School Education Department has also not acted strictly in accordance with the provisions of law. The appeal should have not been returned back to the appellant rather the law places an obligation on FAA to forward the application to the concerned FAA with intimation to the appellant. The FAA is advised to go through the relevant provisions of State RTI Act for its strict compliance.

In the meantime, PIO is directed to pass the order under section 7 of the RTI within 7 days from the receipt of this order.

The information asked by the information seeker is of high public value and FAA should have been prompt in disclosing the information. The information seeker's intention is invited to the preamble of the State RTI Act 2009 which envisages to bring transparency and accountability in the working of every public authority. The State RTI Act is to be used keeping in view the spirit and purpose of the Act.

Sd/-

(G.R.Sufi)

State Chief Information Commissioner, J&K.

Copy to the:-

1. First Appellate Authority, School Education Department, Civil Secretariat, Jammu.
2. Public Information Officer, School Education Department, Civil Secretariat, Jammu.
3. Shri Naresh Gupta R/o 140-Paharian Street, Jammu.
4. Private Secretary to HCIC.
5. Guard file.

( Gh. Qadir Bhat )

Registrar,

J&K State Information Commission.