



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/62/2013

Decision No: SIC/CO/SA/62/2013/536

Title:- Zakir Abbas Najar

V/s

FAA/PIO Rural Dev. Department

Jammu

28.11.2013

This is a second appeal filed by Shri Zakir Abbas Najar, a resident of the state against the failure of FAA in adjudicating his first appeal dated: 19.08.2013. The appeal was fixed for hearing today i.e 28.11.2013. Shri A.K. Razdan, Special Secretary-cum-FAA and Shri Nissar Ahmed, Under Secretary-cum-PIO of Rural Development Department, Civil Secretariat attended and heard. Appellant Shri Zakir Abbas Najar was heard through video conferencing in D.C office, Anantnag.

2. Brief facts and grounds of the appeal are that the appellant filed an RTI application on 15.6. 2013 in the office of PIO, Commr/Secretary to Government, Rural Development Department, Civil Secretariat, Srinagar. The PIO passed an

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order on 27.6.2013 referring the case to PIO Directorate of Rural Development Department for providing the information to the appellant. Not satisfied with the order of PIO, he filed first appeal before the FAA of Civil Secretariat, Rural Dev. Department whereas he had to file first appeal before the FAA of Directorate of Rural Development, Kashmir. The PIO of the Civil Secretariat, RDD had provided him the full description and particulars of FAA in his order which is appreciated. However, the appellant has not been careful and vigilant in pursuing his case. He

again addressed first appeal to an appellate authority who was not concerned. However, the spirit of RTI law is that even if application is addressed to a different authority and that different authority was under legal obligation to forward the same application to the concerned appellate authority with intimation to the appellant which is not unfortunately done. **Under the circumstances, the Commission considers it appropriate to restore back the appeal to the FAA, Rural Dev. Department, Civil Secretariat with a direction to forward the first appeal of the appellant within two days to the concerned appellate authority of Directorate of Rural Dev. Department, Srinagar from the pronouncement of this order and that concerned public authority is directed to give an opportunity of being heard to the appellant and pass the order within 20 days from the date of receipt of this order.** The appellant is also advised to ensure his appearance before the FAA when he receives notice from him and intimate the Commission whether he has been heard or not and whether he has received the information.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner