



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/SA/67/2013

Decision No:SIC/CO/SA/67/2013/537

Title:- Balvinder Singh

V/s

PIO Health & Medical Education Deptt.

Jammu

27.11.2013

This is a second appeal filed by Shri Balvinder Singh, a resident of the State, in this Commission on 4.10.2013 against the inaction of FAA and PIO of Health & Medical Education Department. Accordingly, the hearing of the case was fixed today on 27.11.2013. FAA did not attend the hearing. Shri Javaid Naseem Choudry, Additional Secretary-cum-PIO attended. Complainant also did not attend.

2. The brief facts and grounds of the appeal are that the appellant had filed an RTI application before the PIO on 15.4.2013 seeking certain information as per his RTI application. The PIO did not pass an order within stipulated period as provided under Section 7 of the State RTI Act. Hence, the PIO is directed to explain why penalty proceedings may not be initiated against him as provided under Section 17 of the State RTI Act. His reply, if any, must reach this Commission within eight days from the receipt of this order.

3. The appellant after having not received an order within stipulated time, preferred first appeal before FAA on 10.6.2013. The FAA was to pass an order within 30 days extendable by further 15 days after recording the reasons and after providing an opportunity of being heard to the appellant. FAA did not adjudicate the first appeal within the statutory period of time. After having not received FAA's order, he preferred second appeal before this Commission requesting for a direction for providing the information. 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. Since lot of time has elapsed, FAA should pass an order within 10 days from the date of receipt of this order. FAA is also

advised to keep in view the fact that as FAA he is a public authority and he cannot afford not to discharge his public duties assigned to him duly under law.

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

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Health & Medical Education Department,
Civil Secretariat, Jammu.
2. Public Information Officer, Health & Medical Education Department,
Civil Secretariat, Jammu.
3. Shri Balvinder Singh, H.No: 127 Lane No: 02, Sector No: 2, Nanak Nagar, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file

(G.Q. Bhat)

Registrar

State Information Commission

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