



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/52/2013

Decision No: SIC/CO/SA/52/2013/542

Title:- Titlee Kumari

V/s

FAA/PIO SSSRB

Jammu

04.12.2013

This is a second appeal filed by Ms. Titlee Kumari, a resident of the state against the order passed by FAA dated: 24.6.2013. The first appeal was received in the office of FAA on 3.6.2013. Hence the order passed by FAA is within stipulated period of time which is appreciated.

The brief facts and grounds of appeal are that the PIO did not provide information as sought in the RTI application dated: 30.3.2013. There is a communication on the record signed by somebody on behalf of PIO vide which RTI application was conceived to have been replied. Not being satisfied with the reply of the PIO, the appellant preferred first appeal before FAA but as stated above FAA passed order dismissing the first appeal on the plea that information has been provided to the appellant. Aggrieved with this order appellant filed second appeal in this Commission requesting for a direction for disclosure of the information as sought in the RTI application referred above. The Commission has heard both Shri Farooq Ahmed Baba, KAS Secretary-cum-FAA SSSRB and representative of appellant Shri Ashok Kumar Das. The Commission has gone through the submissions made by the appellant. It is found that the order under Section 7 passed on behalf of the PIO is ab-intio bad in law as it has not been

passed by the designated PIO. Under the State RTI Act, the PIO and FAA are quasi judicial authorities who are specifically designated by name by the public authority. Hence there cannot be any delegation of statutory powers to any other authorities without a proper notification. Secondly without prejudice to above findings of the Commission it is found that appellant had asked information on 5 points starting from the information regarding the reasons for non implementation of Hon'ble High Courts decision in SLP No: 1289 of 2005 and ending with the requirement of mentioning what was the merit of selected candidates of each block and overall merit list of last candidate selected in open category. The appellant was a candidate to the selection process for Government teacher recruitment. Hence the RTI. Not only his order passed without any legal jurisdiction but as already stated it is incomplete as no information at all has been provided. Secondly, as per Section 7(8) of the State RTI Act, the PIO was under legal obligation to communicate the reasons of rejection and the particulars of FAA which has not been done. FAA should have considered these facts and ensured a speaking order by the designated PIO. Under the facts and circumstances of the case the so called order of the Administrative Officer dated: 30.5.2013 is quashed and the designated PIO is directed to pass a fresh order replying to the points of information which are raised in RTI application and provide information if on record. The FAA is advised to ensure that the PIO passes order within 10 days from the date of pronouncement of this order which has been made in the presence of both the parties.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, SSSRB, Jammu
2. Public Information Officer, SSSRB, Jammu
3. Ms. Titlee Kumari, R/o Imperial Appartment ,F.D Block II Sectio1-A
Ext. Channi Himmar, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file

(G.Q. Bhat)

Registrar

State Information Commission