



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

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

[www.jksic.nic.in](http://www.jksic.nic.in)

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File No: SIC/CO/SA/02/2013

Decision No: SIC/CO/SA/02/2013/551

Title:- Mohd. Ayub Ayan

V/s

PIO Estates Department

Jammu

23.12.2013

This is a complaint filed by Shri Mohd. Ayub Ayan, a resident of the state stating therein that the order of the Commission under No:SIC/CO/SA/02/2013 /391 dated: 22.1.2013 has not been fully complied with by the PIO and the FAA of the Estates Department, Jammu. The PIO in this case at the time of passing the order was Shri Arun Manhas and the FAA was Director Estates Shri R.K. Koul. The complaint was posted for hearing today. Shri Rakesh Magotra, Deputy Director-cum-PIO Estates Department, Jammu attended. The complainant was also present. It has been found that the information sought by the complainant vide his RTI application dated: 3.8.2012 was not initially provided and after the intervention of the Commission vide its order mentioned above, the order was passed by the PIO on 29.8.2012 a copy of which has been submitted before this Commission during the hearing. It has been found that most of the information sought by the appellant has been provided. However, few items of information like giving the khasra number of the plots, shops and houses have not been given. Similarly, the details of encroached land and encroacher's names belonging to Estates Department have also not been given on the plea that no such information is available with the Estates Department. This information was

forwarded to Shri Kalyan Singh PIO, D.C Office Jammu vide letter No: DDE/J/2398 dated: 8.2.2013 under Section 6 of the State RTI Act. The Complainant states before this Commission that he had even personally perused the matter in D.C office for getting this information and till this time no information has been given. The PIO in the office of D.C Jammu Shri Kalyan Singh is accordingly directed to explain why he will not be declared to be as deemed PIO and penalty under Section 17 of the State RTI Act may not be imposed against him. His reply, if any, must reach this Commission within 15 days from the receipt of this order. If no such reply is received, penalty will be calculated from the date information was to be given till the date information is actually given or not. The complainant had also asked information with regard to expenditure on telephones, electricity and water of the occupants of Estates accommodation. The PIO has submitted before this Commission that this information is not available with them. They had written to PIOs of Chief Engineer M&RE, PHE and BSNL. The PIO Shri Rakesh Magotra is also directed to explain why penalty under Section 17 of the State RTI Act may not be initiated against him. His reply, if any, must reach this Commission within 15 days from the receipt of this order. The Information Seeker is also advised that he should seek relevant information only from the relevant authorities. Before applying to any authority for providing information, he should ensure that the information is really possessed by such public authority. He is advised to acquaint himself fully with the provisions of RTI Act as without having knowledge of the RTI Act, he is not doing justice with himself and the society. He should not waste the precious time of the Government officers by engaging them in unnecessary searching of records. He should avoid making frivolous and complicated applications. He has been provided the information sought by him and still he is making unnecessary complaints in the Commission.

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

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:

1. District Development Commissioner, Jammu
2. Shri Kalyan Singh, Public Information Officer, D.C office Jammu
3. Shri Rakesh Magotra, Deputy Director-cum-PIO Estates Department, Jammu

4. Shri Mohd. Ayub Ayan, State Secretary, J&K PDF, Secular Camp Office  
PDFS, Mahore.
5. Private Secretary to Chief Information Commissioner
6. Guard file.

( G.Q. Bhat )  
Registrar  
State Information Commission