



J&K State Chief Information Commissioner
Old Assembly Complex, Srinagar. Fax ;0194-2484268,2484269
Wazarat Road, Jammu. Fax No: 0191-2520947, 2520927

File No.SIC/Co/SA/85/2013
Decision No.SIC/Co/SA/85/2013/556

Title:- Shri Satish Kumar Sharma I/c Section Officer, Office of Financial
Commissioner Revenue, Jammu.

V/s

1. First Appellate Authority,
O/o Financial Commissioner, Revenue,
J&K, Jammu.
2. Public Information Officer,
O/o Financial Commissioner, Revenue,
Jammu.

Jammu
24-12-2013.

This is a second appeal filed by Shri Satish Kumar Sharma, a resident of the State against the PIO and FAA. The brief grounds of the case are that information on three points was sought by the information seeker vide his RTI application dated 27-6-2013 as follows:-

1. Provide attested copy of the Service Book of Shri Nazir Ahmad Bhat, Sectional Officer of the office of Financial Commissioner, Revenue, J&K.
2. Provide attested copy of promotion order of the said official from Junior Assistant to Senior Assistant.
3. Provide copies of minutes of the meeting State Level Departmental Promotion Committee held in the year's 1991 and 1992 of State Cadre in the office of Financial Commissioner, Revenue, J&K.

(2)

Out of these, information has been given on point No.1. Information with regard to point No.2 has been received by the information seeker but it is stated to be not in order because the information seeker had asked for authenticated copy of promotion order of one Shri Nazir Ahmad Bhat. This has not been provided because it is stated by the PIO that no such order is on record. Copy of this order has been provided to Shri Satish Kumar Sharma which is self attested by the beneficiary official i.e Mr. Nazir Ahmad Bhat being one of the recipients of the order. The PIO is stating before this commission that the order copy is not available. It is seen from the self attested copy of order that copies of this order were endorsed to seven authorities falling under the same public authority i.e Financial Commissioner, Revenue. Therefore, there is a likelihood that this copy of order may be available with any of the offices of these authorities who have been provided the copies. The Commission directs the PIO to write to all these authorities to trace out this copy and provide the same duly authenticated to the information seeker within eight days from receipt of this order. It seems that even after receiving directions from FAA, no serious efforts have been made to trace out the record. Simply on the basis of a note it is presumed that the record is not available, even the official/officer who has prepared this note has not identified him-self nor his designation is mentioned. This is absolutely against the spirit of the State RTI Act 2009 read with number of circulars issued by the General Administration Department, Government of Jammu and Kashmir, latest being the Circular No. 20-GAD of 2013 dated 10-09-2013. Nowhere it is mentioned that who was incharge of record section and what action has been taken against the official/officer who is responsible for misplacing the record. Nothing is known from the record what is the period of retention of record and its weeding out as per official order/manual, if any. If records are factually missing, PIO is directed to authenticate genuiness or otherwise of the copy of promotion order No.FC(NG)69 of 1992 dated 27-7-1992 and to inform the information seeker within eight days accordingly.

(3)

The information at point No.3 i.e providing copies of minutes of meeting of State Level Department Promotion Committee held in the year 1991-92 of State cadre in the office of Financial Commissioner Revenue, Jammu. This information has been denied on the plea that minutes of the meeting are not available and will be provided as soon as records are traced out. This order has been passed by the PIO on 26-07-2013. After receiving directions from the FAA, the PIO has rested on the cursory and cryptic remarks made by the unidentified official on the note sheet dated 02-12-2010. The PIO came to the conclusion that there is no record. This casual order is not acceptable to the Commission. The information seeker is insisting that there is record room in the office of Settlement Commissioner, Jammu where most likely this record may be available. The Commission once again directs the PIO to search out the record room seriously, appoint squad of officials for tracing out the records and if after fully satisfying that no record is available then produce an affidavit before this Commission that no record is available. Copy of the said affidavit may be forwarded to the appellant who in turn will disprove the contents of the affidavit with evidence if he is convinced that false or wrong affidavit has been produced.

Sd/-

G.R.Sufi,

State Chief Information Commissioner.

Copy to the:-

1. First Appellate Authority, O/o Financial Commissioner, Revenue, Jammu.
2. Public Information Officer, O/o Financial Commissioner, Revenue, Jammu.
3. Shri Satish Kumar Sharma I/c Section Officer, Office of Financial Commissioner Revenue, Jammu.
4. Private Secretary to HCIC.
5. Guard file.

(G.Q.Bhat)

Registrar,

J&K State Information Commission,
Jammu.