



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/68/2013

Decision No: SIC/CO/SA/68/2013/558

Title:- Balvinder Singh
V/s
PIO Resident Commissioner Office
New Delhi.

Jammu
01.01.2014

This is a second appeal filed by Shri Balvinder Singh, a resident of the state in this Commission on 4.10.2013 against the failure of FAA and PIO of Resident Commissioner's office, New Delhi in furnishing the information sought by him. In response to the notice of the Commission, Shri Asif Hamid Khan, PIO attended the Commission. Principal Resident Commissioner-cum- FAA Shri K.B Agarwal had conveyed his inability to attend the Commission on 1.1.2014. Appellant Shri Balvinder Singh also attended. Brief grounds of the second appeal are that the appellant filed an RTI application before the PIO on 3.12.2012 seeking certain information as per his RTI application. PIO was under legal obligation to pass an order as expeditiously as possible but not later than 30 days as provided under section 7 of the State RTI Act. But PIO failed to pass an order. Appellant not having received any response from the PIO filed first appeal before the FAA on 29.4.2013 for adjudication of his appeal. The FAA as per section 16(7) was under legal obligation to adjudicate the first appeal within 30 days with further extendable period of 15 days after recording the reasons, if any, for not disposing of the first appeal within 30 days. FAA has not passed any order so far. FAA being the quasi judicial authority had to adjudicate the appeal after hearing both the parties. Hence aggrieved with the non-response of FAA also, the appellant filed second appeal in this Commission on 4.10.2013 praying therein to direct the erring PIO to provide the complete information to the applicant free of cost without any further delay and for imposing maximum penalty on the PIO. Commission heard both the parties. The PIO has stated that he will provide the required information to the appellant at the earliest. Commission has gone through the records and has found that neither the FAA nor the PIO has bothered to give an ear to the application of the appellant. Hence the main purpose of the RTI Act for bringing transparency and accountability

in the working of public authorities is defeated. PIO Shri Asif Hamid Khan is directed to explain why penalty proceeding may not be initiated against him for not passing an order within the stipulated period. He is also directed to furnish the information sought by the appellant within 15 days from the receipt of this order.

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

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Shri K.B. Agarwal, First Appellate Authority, Office of Resident Commissioner, 5-Prithvi Raj Road, New Delhi.
2. Shri Asif Hamid Khan, Public Information Officer, office of Resident Commissioner, 5-Prithvi Raj Road, New Delhi.
3. Shri Balvinder Singh, House No: 127, Lane No: 02, Sector 2, Nanak Nagar, Jammu.
4. Private Secretary to Chief Information Commissioner.
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission