



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/Comp/60/2013

Decision No: SIC/CO/Comp/60/2013/562

Title:- V.K. Kandhari
V/s
PIO Public Service Commission

Jammu
09.01.2014

This is a complaint filed by Shri V.K. Kandhari, a resident of the State, in this Commission on 16.8.2013 against the failure of PIO PSC in providing the information sought by him. The brief facts and grounds of the complaint are that the complainant Shri V.K. Kandhari filed an RTI application before PIO, J&K Public Service Commission on 10.6.2013 received by the PIO on 13.6.2013 seeking certain information. PIO had to pass an order as expeditiously as possible but not later than 30 days as enshrined in section 7 of the State RTI Act. But the PIO passed the order on 1.08.2013 whereunder all the information sought by the complainant was provided to the complainant as reported by the PIO Shri Fayaz Ahmad Sheikh. Delay of only 16 days has been caused by the PIO in providing the information to the complainant. PIO informed the Commission that the information seeker had filed first appeal before the FAA on 2.9.2013 without his signatures which was rejected by the FAA vide his order dated: 10.09.2013 and the Commission was informed vide their communication dated: 26.9.2013. Then the information seeker filed another application on 25.11.2013 before the PIO whereunder he had sought some additional information which was disposed of on 17.12.2013.

2. Accordingly, Registry of this Commission fixed the hearing on 09.1.2014. PIO, Public Service Commission, Shri Fayaz Ahmad Sheikh attended. But the complainant, Shri V.K. Kandhari as usual did not attend. Present PIO Public Service Commission informed the Commission that the Additional Secretary in J&K Public Service Commission has been entrusted numerous and varied functions to peruse the cases in the Hon'ble Courts and various administrative functions and duties. Therefore, there is no intentional delay caused by the PIO. Hence for nominal delay in providing the information no further action is taken. The delay in providing the information is accordingly condoned. Commission noted with great concern that the complainant is prima-facie deliberately resorting to filing multiple applications under RTI Act ignoring the Hon'ble Supreme Court of India's order in the case titled Chief Information Commissioner Manipur and another versus State of Manipur and another in Civil Appeal No:10787-10788 of 2011 wherein the Hon'ble Supreme Court has held that the institution of First Appellate Authority under the RTI Act has not be made redundant by certain information seekers who are approaching the Commission directly. Hon'ble Supreme Court has rightly held in that decision that section 18 of Central Information Act (corresponding section 15 of the State RTI Act) is only a supervisory section and no direction can be given under this section for disclosure of information. The complainant is accordingly advised that he should strictly follow the provisions of the State RTI Act while pursuing his right to information.

The complaint is accordingly dismissed.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Shri Fayaz Ahmad Sheikh, Public Information Officer, J&K Public Service Commission.
2. Shri V.K. Kandhari, R/o 36 Lower Laxmi Nagar, Sarwal, Jammu
3. Private Secretary to Chief Information Commissioner
4. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission