



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/75/2013

Decision No: SIC/CO/SA/75/2013/563

Title:- Madan Mohan Sharma  
V/s  
Public Information Officer, CAPD

Jammu  
15.1.2013

This is a complaint filed by Shri Madan Mohan Sharma, a resident of the State before this Commission on 29.10.2013. Brief grounds of the appeal are that the appellant had filed an RTI application on 7.5.2013 which was sent by post on the same day. Shri Reyaz Ahmed Malik, Deputy Secretary-cum-PIO, Consumer Affairs and Public Distribution Department could not verify from records when the RTI application was received. Hence it is deemed to have been received on the same day. It is stated that as the information did not pertain to CAPD Department, Civil Secretariat, therefore, same was forwarded to the Directorate of CAPD Jammu for providing information on 8.1.2014 through a letter issued by Under Secretary (without identifying himself). As per provisions of the State RTI Act, if the information was to be received from any other public authority or assistance was to be sought from any other officer working under same authority, the said process should have been completed within 5 days. Hence the letter referred above is being without any authority and second being considerably late. Appellant not having received any response from the PIO filed first appeal before the FAA on 24.06.2013 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 28.10.2013. Commission has gone through the records of CAPD Department and has found that the PIO has not acted as per provisions of State RTI Act and has caused considerable delay in providing information to the appellant.

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