



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/101/2014

Decision No: SIC/CO/SA/101/2014/564

Title:- Madan Mohan Sharma

V/s

FAA/Health & Medical Edu. Department

Jammu

22.01.2014

This is a second appeal filed by Shri Madan Mohan Sharma, a resident of the state in this Commission on 27.12.2012 against the failure of FAA and PIO of Health & Medical Education Department in providing the information sought by him as per his RTI application. The brief facts and grounds of the second appeal are that the appellant filed an RTI application before PIO Health & Medical Education Department on 10.09.2013. PIO was under legal obligation to pass an order as expeditiously as possible but not later than 30 days as per provisions laid down in section 7 of the State RTI Act. PIO did not pass any order within the stipulated period of time. Aggrieved with the PIO's inability to pass an order, the appellant filed first appeal before the FAA on 05.11.2013 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 27.12.2013. Commission heard Shri Sheikh Mukhtar Hussain, Special Secretary-cum- FAA, Shri Naseem javaid Chowdhary, Additional Secretary-cum-PIO and the complainant Shri Madan Mohan Sharma. PIO submitted before the Commission that as the information sought by the appellant was to be collected from Medical

Superintendent, Govt. Medical College Jammu, it took some time in collecting the required information, hence the delay. The PIO has now provided the information to the appellant after a delay of about two months and that too after receiving the notice from this Commission. Appellant has also admitted of having received the information from the PIO. PIO Health & Medical Education Department is directed to be careful in future and give due respect and regard to the provisions of State RTI Act as main reason of promulgation of this Act is to bring transparency and accountability in the working of every public authority. FAA is also advised to adjudicate the appeals filed before him under the State RTI Act within the time provided under section 16 of the State RTI Act.

Second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

J&K State Chief Information commissioner

Copy to:-

1. First Appellate Authority, Health & Medical Education Department, Civil Secretariat, Jammu.
2. Public Information Officer, Health & Medical Education Department, Civil Secretariat, Jammu
3. Shri Madan Mohan Sharma, Retd. Dy. Commandant CRPF, Old Satwari Jammu Cant.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission