



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/78/2013

Decision No: SIC/CO/SA/78/2013/568

Title:- Madan Mohan Sharma

V/s

FAA/PIO Rural Dev. Department

Jammu

15.01.2014

This is a second appeal filed by Shri Madan Mohan Sharma, a resident of the State, in this Commission on 28.10.2013 against the failure of FAA and PIO of Rural Development Department in disseminating the information sought by him in his RTI application dated: 11.4.2013. Accordingly, hearing of the case was fixed today on 15.01.2014. Shri A.K. Razdan, Additional Secretary-cum-FAA, Rural Development Department attended. Appellant Shri Madan Mohan Sharma also attended. Brief facts and grounds of second appeal are that the appellant Shri Madan Mohan Sharma filed an RTI application before PIO, Rural Development on 11.04.2013. PIO had to pass an order as provided under section 7 of the State RTI Act as expeditiously as possible but not later than 30 days. PIO failed to pass an order in this behalf. PIO did not follow the provisions of section 5 of State RTI

Act. He transferred the RTI application to another PIO working under the same authority. Best course of action for the PIO was to invoke section 5 which has not been done. Hence delay in providing the information. Aggrieved with the PIO's inability to pass an order, the appellant filed first appeal before the FAA on 31.5.2013 seeking a direction for disclosure of information. 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 contents of second appeal and directs the FAA/PIO Rural Development Department to provide information to the appellant within 15 day's time under intimation to this Commission. Appellant is also advised to inform the Commission about the receipt of information after 15 days. The appellant seems to be regularly pursuing the RTI Act. His attention is invited to the preamble of the State RTI Act which states that the Act has been promulgated in order to bring transparency and accountability in the working of public authority. The information sought and obtained is to be used only for such purpose and for no other purpose.

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

Sd/-
(G.R. Sufi)
State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Rural Development Department, Civil Secretariat, Jammu.
2. Public Information Officer, Rural Dev. Deptt. Civil Sectt. Jammu
3. Shri Madan Mohan Sharma, Rtd. Dy. Commandant CRPF, Old Satwari Cant, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission