



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/50/2013

Decision No: SIC/CO/Comp/50/2013/572

Title:- Virinder Krishan
V/s
PIO General Admn. Deptt.

Jammu

08.01.2014

This is a complaint filed by Shri Virinder Krishan, a resident of the State seeking certain information from the Public Information Officer, General Administration Department. Brief facts and grounds of the complaint that the complainant filed an RTI application before PIO, GAD on 25.11.2012. The then PIO GAD Shri Rajesh Sharma vide his order under endorsement No: GAD/RTI/649 /2012 dated: 29.11.2012 rejected the application of the complainant on the plea that application fee was paid through affidavit (non-judicial paper) whereas the mode of application fee as per Rule 3 of the J&K RTI Rules, 2012 was by way of cash against proper receipt or by demand draft or Indian postal Order and the application was returned to the complainant alongwith documents in original with an advice to file the application after fulfilling the deficiencies. The complainant submitted the application after fulfilling the deficiencies on 4.12.2012. PIO GAD provided the required information to the complainant vide his letter No: GAD(Adm)RTI/649/2012 dated: 31.1.2013. The complainant was advised to file first appeal within 30 days of the issue of order before the FAA whose full particulars were given in this letter. Not satisfied with the order of the PIO, complainant Shri Virinder Krishan file first appeal before the FAA on 25.2.2013 praying therein that the PIO GAD be directed to provide full and complete information without resorting to evasive and uncalled for cover to avoid information being sent to him. Accordingly, FAA directed the complainant vide his No: GAD/RTI/FAA-14/2013 dated: 7.3.2013 to remain present before the FAA on 14.3.2013 at Jammu. The complainant appeared before the FAA on the scheduled date. He was heard threadbare by the FAA and enquired from him about the information he was seeking from GAD. After hearing the complainant in presence of the then PIO, FAA disposed of the appeal on 15.3.2013 with the direction to the PIO to pass an order providing the requisite information to the complainant at the earliest. In the meanwhile, GAD nominated Shri Manzoor

Ahmed, Under Secretary to Government, General Administration Department as PIO vide Office order No: 467-GAD of 2013 dated: 19.3.2013. The PIO provided the information alongwith enclosures to the complainant on 2.4.2013. PIO further referred to the Hon'ble Supreme Court of India's decision in the case of CBSE and another versus Aditya Bandopadhyay and others wherein it has been held that RTI Act provides access to all information that is available and existing. Not satisfied with the information so provided to him by the PIO GAD, the complainant preferred complaint in this Commission on 11.7.2013 complaining against the PIO of GAD for not providing full information sought by him and praying therein that the PIO be advised or directed to give full and correct information . Complainant in his complaint stated that the information provided by the PIO is vague. Accordingly, Registry of this Commission fixed the hearing in this case from time to time. Complainant Shri Virinder Krishan was also intimated through notices to be present in the hearing in order to help the Commission in ascertaining the facts. But he always preferred to avoid his presence. Lately on 19.12.2013 he was directed to be present during the hearing to be held on 8.1.2014 to substantiate his contention that information given by the PIO GAD is vague otherwise complaint in his absence will be decided on the availability of material on record. Again, he preferred not to attend the Commission to substantiate his contention. The PIO has alleged that the complainant is filing multiple applications.

The Commission has gone through the records available and has come to the conclusion that the complainant Shri Virinder Krishan has not substantiated the alleged vagueness in the information provided to him by the PIO. As the complainant has not made out any case for providing to him "incomplete, misleading or incorrect information" by the PIO, the complaint so filed is accordingly dismissed. The complainant is advised that in future whenever he pursues his right to information, he should co-operate in the proceedings before the Commission in case his personal attendance is sought by the Commission to substantiate allegations of providing false, incomplete or incorrect information.

The Complaint is accordingly disposed of.

Sd/-
(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Public Information Officer, General Admn. Department, Civil Sectt. Jammu
2. Shri Virinder Krishan, 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

File No: SIC/CO/SA/105/2014

Decision No: SIC/CO/SA/105/2014/569

Title:- Sajad Rasool

V/s

PIO SIDCO(State Industrial Development Corporation)

Jammu

24.01.2014

This is a second appeal filed by Shri Sajad Rasool, a resident of the State before this Commission on 06.12.2013 against the alleged inaction of PIO and FAA of SIDCO for not responding to his RTI application. FAA Shri Mouzzam and PIO Shri Ilham Naseem attended. Shri Sajad Rasool, appellant was also informed vide notice dated: 09.01.2014, issued by the Registrar of this Commission, to be present personally or through the authorized representative to assist the Commission to dispose of his second appeal. He was informed on phone by the office of the Commission. But reportedly he was rude in conversation and the appeal is accordingly being decided. Brief grounds of the appeal are that the appellant filed an RTI application on 3.8.2013. PIO was duty bound to pass an order as expeditiously as possible but not later than 30 days. PIO submitted that the information which is sought has primarily emanated from a decision given by the Munsiff Ist Class Budgam and the appellant should have requisitioned this information under RTI Act from that public authority who was holding and possessing that information. Any how the PIO still complied with the mandate of the Act and provided information to information seeker vide his order No: SIDCO/Adm/RTI/1012/432 dated: 24.9.2013. The appellant also filed first appeal before the FAA making a plea with the FAA for taking action against the PIO and directing him for disclosure of information. The FAA Shri Mouzzam has submitted before this Commission that his office has not received the first appeal. The Commission has gone through the copy of first appeal that has been attached by the appellant with his papers/documents filed before this Commission. It is found that