



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/CO/SA/11/2013

Decision No: SIC/CO/SA/11/2013/573

Title:- Showkat Hussain Bhat
V/s
PIO, Rural Dev. Department

Jammu
23.01.2014

Consequent to passing an order on 6.2.2013 on the second appeal of the appellant, the then PIO Shri Bashir Ahmed Bhat, Under Secretary, rural Dev. Department now retired and FAA Shri Sajad Ahmed Khan, then Special Secretary, Rural Dev. Department presently Deputy Commissioner Poonch filed two separate affidavits duly notarized before the Commission on 17.5.2013 stating therein on oath that the record relating to the information sought by one Shri Showkat Ahmed Bhat vide his RTI application dated: 18.10.2012 and first appeal before FAA on 18.11.2012 was not traceable. The affidavits are filed in affirmation of the stand and plea taken before the Commission during the proceedings under section 16 of the State RTI Act that information sought by the applicant was not existing as such cannot be retrieved, traced or reconstructed. During the consequent proceedings a complaint was filed by the complainant on 24.1.2013 and it is revealed that the information was in existence as regularization process was started and correspondence in this regard was done with the Finance Department. The Finance Department had confirmed the receipt of a communication from the Rural Development Department regarding the regularization of Ms. Shaheena Rasool. PIO of the Finance Department during his deposition before the Commission on 2.12.2013 did confirm the existence of such information.

2. The complainant was also confronted by the Registry of this Commission with the contents of the affidavit vide Registry's Notice No: SIC/CO /SA/11 /

2013/2131 dated: 30.7.2013 for his comments and the complainant stated vide his reply dated: 12.8.2013 that "nature of information sought cannot be done without notings. If the case is so, then it is amply clear that case of Miss Shaheena Rasool is not from Rural Development Department but a manipulated one ". Accordingly, after receiving this complaint, the Commission made enquiry into the matter which revealed that information is available with the Rural Dev. Department and the file was traceable in the Rural Dev. Department. The existing and recorded information has now been provided to the complainant as confirmed by the PIO Shri Nissar Ahmed, Rural Dev. Department. Thus, Information provided to the complainant on 27.12.2012 by the then PIO Shri Bashir Ahmed Bhat and on 10.1.2013 is proved prima facie incorrect after the conduct of enquiry under section 15. Hence, the then PIO Shri Bashir Ahmed Bhat is required to explain why penalty under section 17 of the State RTI Act may not be imposed on him. His reply, if any, must reach this Commission within 30 days from the date of receipt of the order by Shri Bashir Ahmed Bhat. Present PIO Shri Nissar Ahmed is directed to serve a copy of this order on Shri Bashir Ahmed Baht.

Subject to above findings complaint is accordingly disposed of.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Principal Secretary to Govt. Finance Department, Civil Sectt. Jammu
2. Commr/Secretary to Govt. Rural Dev. Department, Civil Sectt. Jammu
3. Shri Sajad Ahmed Khan, then Special Secretary, Rural Dev. Deptt.
4. Shri Bashir ahmed Bhat, then Under Secretary, Rural Dev. Deptt.
5. Shri Bharat Singh, Public Information Officer, Finance Department
6. Shri Nissar Ahmed, Public Information Officer, Rural Dev. Department. He is directed to serve a copy of this order on the above mentioned ex- officer of Rural Dev. Department.
7. Shri Showkat Hussain Bhat C/o Rural Dev. Department, Civil Sectt. Jammu
8. Private Secretary to Chief Information Commissioner
9. Guard file

(G.Q. Bhat)

Registrar

State Information Commission