

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-39**

Appeal Case No: KP(M) 14/2015

Appellant : Sri Biman Dutta

Public Authority: Smti M. Baruah,
Deputy Secretary, S. A (E)

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

Appellant was Self.

Public Authority was represented by Smti M. Baruah

O R D E R
16-3-2015

The appellant Sri Biman Dutta is present. The Public Authority is represented by:

- (1) Smti Manoni Baruah, SPIO and Deputy Secretary, S.A.(Estt)
- (2) Sri Niranjan Bora, Superintendent, SA(E) Gazetted Cell Deptt.
- (3) Sri Subhas Kalita, Sr. Administrative Asstt.
- (4) Smti Joyashree Sarma, Sr. Administrative Asstt, SA(Esstt) Department.

The second appeal petition is taken up for hearing
In presence of both the parties.

From a perusal of the case records it is seen that the original RTI petition dated 31-3-2014 was addressed to the SPIO of S.A (Esstt) Department, Govt. of Assam. This was followed by SA (Estt) Department's letter dated 03-05-2014 to Sri Biman Dutta, now Under Secretary in the Political Department, Govt. of Assam. Vide this letter, SA (Estt) Department (a) submitted some information (b) informed him that his RTI application was transferred to the concerned department with reference to a few points (c) informed him that the information sought for by the applicant cannot be furnished to him under the number of points under RTI Act, 2005.

Thereafter, not satisfied with the replies of the SPIO, Sri Biman Dutta filed the first appeal petition dated 3-6-2014 before the Commissioner & Secretary, S.A.(Estt) and the first Appellate Authority.

The First Appellate Authority gave a hearing on 1-9-2014, after cancelling the earlier date of 19-7-2014, fixed for hearing. Although the first Appellate Authority did not pass any formal order on the appeal petition, he recorded in office file note sheet that "information sought for vide para No.11, the petition dated 31-3-2014 by Sri Dutta, may, perhaps be furnished now as the concerned file No. SAE.49/86/Pt has been traced out in the Department..

In pursuance of this file Note Sheet order of the Commissioner & Secretary, SA(E), the SPIO and Deputy Secretary, SA(E) vide her letter dated 13-11-2014 furnished the required information/ document pertaining to para No. 11 of the original RTI application to Sri Dutta. In course of today's hearing the appellant admitted that he has received this information

So, the present position as per the appellant is that he has received the required information against point No. 1,2,3 and 11, with which he is satisfied. He now wants information on the remaining points of his original RTI application.

On point No. 4 (a) the applicant himself produced photo copy of a Peon Book recorded showing that the S. A (Estt) (Gazetted Cell) department received the concerned U.O letter on 18-12-2010. Secondly, asking for a copy of his own application seems to be frivolous.

No further action is necessary in view of the order to point No. 4(a), which also appears to be frivolous. However, the representative from the Public Authority submitted that they have, meanwhile, collected a copy of the U/O letters. The Commission directs the SPIO and Deputy Secretary, SA(Estt) Department to give a copy of the Action Taken Report on the said U/O to the appellant within 30 days from the date of receipt of this order.

Point No. 5:- The SPIO and Deputy Secretary, S.A(Estt) submitted before the Commission that although the original application dated 1.2.2011 submitted to the then Chief Secretary, Sri N. K. Das could not be traced out, she has collected a copy of the same. The Commission directs the Deputy Secretary and SPIO. S.A (Estt) Deptt. to furnish a copy of the Action Taken Report on this application within 30 days from the date of receipt of this order.

Point No. 6:- to expedite furnishing of the required information, the appellant handed over copies of his petition dated 3.12.2010 and 1.2.2011 to the SPIO and Deputy Secretary, S.A (Estt) before the Commission today. The Commission directs the SPIO and Deputy Secretary to give copies of the Action Taken Report to the appellant within 30 days from the date of receipt of this order.

As regards the other points, the appellant himself submitted that he will not pursue them any further. The Commission, therefore, directs the Deputy Secretary and SPIO to give the required information on the above 3 points as ordered above, to the appellant within 30 days from the date of receipt of this order.

With this , the second appeal petition is disposed of.

(H. S. Das, IAS) (Retd)
State Chief Information Commissioner
Assam

Authenticated true copy

**Secretary & Registrar,
Assam State Information Commission**

Memo No.SIC/ KP(M) 14/2015/

16-3-2015

Copy to:

1. SPIO & Deputy Secretary to the Government of Assam, S.A (Estt) Department, Dispur, for information and necessary action.
2. Sri Niranjan Bora, Superintendent, SA(E) Gazetted Cell Deptt. for information and necessary action.
3. Sri Biman Dutta, Appellant, Under Secretary, Political (A) Department, Dispur, Guwahati- 781 006
4. Computer Section for uploading in the Website.
5. Office file.

Secretary and Registrar
Assam State Information Commission