

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

Appeal Case No: KP(M).604/2012

Appellant : Mrs. Sukanya Bharali,
B-4/103, Games village, Borsajai,
Guwahati-29

Public Authority: Chief Secretary, Govt. of Assam

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

**Appellant was
Represented by:** Mrs. Sukanya Bharali

**Public Authority was
represented by**

1. Shri S.C. Sarma, ACS, Dy. Secretary, Labour & Employment Deptt.
2. Mrs. M. Borthakur,, Addl. Secretary, labour & Employment Deptt. & Labour commissioner, Assam
3. Mrs. S. Baruah Bora, Dy. Secretary, Laour & Employment Deptt., Assam

O R D E R
20.3.2015

The petitioner Mrs. Sukanya Bharali is present. The Public Authority is represented by (1) Shri S.C. Sarma, ACS, Deputy Secretary of the Department & SPIO (2) Mrs. M. Borthakur, Addl. Secretary, Labour & Employment Deptt. And Labour Commissioner and (3) Mrs. S. Baruah Bora, Deputy Secretary, Labour & Employment Deptt..The second appeal petition dated 30.4.12 is taken up for hearing in presence of both the parties.

The original RTI application dtd. 30.5.11 addressed to the SPIO in the office of the Chief Secretary, Govt. of Assam. Vide that RTI application the applicant wanted certified copies of note sheets of action taken by the Department in regard to the representation submitted on 6.2.95 by Mr. A.C. Bharali, Inspector of Factories against the Govt. Notification No. GLR.60/94/509 dtd. 23.12.94 for quashing the notification dated 23.4.94. The SPIO present submitted that the RTI application was transferred by the Chief Secretary's office to Labour & Employment Department vide endorsement dated 30.5.11 and

it was received in Labour & Employment Department on 03.6.11. Having not received any response from any quarter the applicant filed her first appeal petition before the Chief Secretary, Govt. of Assam on 18.7.11. Thereafter also she did not receive any response from any quarter as submitted by the appellant before this Commission today. She followed this up by submitting the second appeal petition dated 13.10.11 before this commission followed by a reminder to the Commission dated 30.10.12. Now, the second appeal petition is taken up for hearing in presence of both the parties.

Mr. S. Baruah Bora, Deputy Secretary, Labour & Employment Department submitted that there is no record in their relevant file about the receipt of any representation dated 6.2.95 from Shri A.C. Bharali, the then Inspector of Factories. The SPIO and the Deputy Secretary, Labour & Employment Department, Shri S.C. Sarma has made a written submission dtd 19th March, 2015 which is entered into the case record. As per his written submission, on 15.6.11 the Department wrote to the Chief Inspector of Factories, Assam to furnish a copy of the representation dated. 6.2.95. This was followed by a reminder dated 12.3.2015. According to his written submission, the present position is that they have not received response from the Chief Inspector of Factories to their letters till date and they do not have the representation dtd 6.12.95 submitted by Shri A.C. Bharali, the then Inspector of Factories against the Govt. Notification No. GLR.60/94 dtd 6.2.95 in their office record.. Therefore, they have not been able to take action on the said representation of erstwhile Inspector of Factories, Shri A.C. Bharali and there is no file note sheets pertaining to processing of that representation.

Against the above submission of the SPIO, the appellant Smt. Sukanya Bharali produced photo copy of page No. 8 dated 6.2.95 of a communication signed by Shri A.C. Bharali, Inspector of Factories, incharge District Factories, Tinsukia. The page No. 8 of the said communication mentions annexure No. 1 to 8 without any specification thereof. So it cannot be made out what the annexures were. She also produced photocopy of a registration slip issued by the Post Office which simply mentioned "Secretary to the Govt. of Assam, Dispur". From the submission of the appellant it appears that the communication dated 6.2.95 by Shri A.C. Bharali was registered to the Secretary, labour & Employment Department. However, the Commission is of the view that these two documents produced by the appellant is not enough for the

Commission to give any specific direction to the SPIO of the Labour & employment Department. The Commission, therefore, directs her to give copies of the two documents produced by her today to the SPIO of the Labour & Employment Department so that he can take them as a lead to trace out the full communication dated 6.2.95 from the office record in Labour & employment Department or from the office of the Chief inspector of Factories. Meanwhile the appellant may also pursue on her own to collect the full copy of the representation dtd 6.2.95.

Fix 24.4.2015 at 1.15 PM for next date of hearing.

Sd/-

(H. S. Das)

Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commn.

Memo No. KP(M).604/2012/

Dtd. 20.3.2015

Copy to:

1. The Chief Secretary to the Govt. of Assam & first Appellate Authority for information and necessary action.
2. The SPIO in the office of the Chief Secretary to the Govt. of Assam, Dispur for information and necessary action.
3. The SPIO & Deputy Secretary to the Govt. of Assam, Labour & Employment Department for information and necessary action.
3. Mrs. Sukanya Bharali, B-4/103, Games Village, Borsajai, Guwahati-29 for information and necessary action.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission