

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION  
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-37**

**Appeal Case No:** BPT.55/2013  
**Date of hearing:** 8-5-2015  
**Appellant :** Sri Pankaj Kr. Kalita  
**Public Authority:** Md. Omar Khayyam  
**Heard by:** Shri Himangshu Sekhar Das,  
Assam State Chief Information Commr.

**O R D E R**

The petitioner Sri Pankaj Kr. Kalita is present. The Public Authority is represented by Md. Omar Khayyam, PM (EO) & SPIO, Barpeta Zila Parishad accompanied by Md. Absar Ali, LDA of the Zila Parishad.

The complaint petition dated 12-2-2014 is taken up for hearing in presence of both the parties.

The Public Authority has made a written submission No. SBM-6/RTI/2011-12/1095 dated 7-5-2015 and SBM-6/RTI/2011-12/1096 of the same date which are entered into the case records.

It is seen from the case records that this Commission had passed an order dated 10-12-2013 observing that the original RTI petition dated 4-3-2013 was not legible and that the information sought for appeared to be in the nature of questions, most of which were beyond the scope of RTI Act. In the same order, the State Information Commissioner directed the SPIO in the office of CEO Barpeta Zila Parishad to call the applicant and ascertain the exact documents he was in need of and furnish the same to the petitioner, if the same were maintained in his office and not claimed to be exempted from disclosure under the relevant provisions of the RTI Act. The Commission also directed the SPIO to submit a written explanation within 30 days from the date of receipt of the order dated 10-12-2013, as to why penalty under Section 20(1) of the RTI Act shall not be imposed on him.

In compliance with the order dated 10-12-2013, the SPIO submitted his written explanation vide letter dated 8-1-2014. The SPIO submitted that the Deputy Commissioner, Barpeta, who transferred the same to the Block office, was received by the SPIO on 16-3-2013. The information sought for were of question types which were not maintained in the format and not available in his office. They had to be collected and compiled and so it took time. The information so collected had been compiled and were sent to the appellant on 11-6-2013. Copy of the information furnished is available in case records.

On point No. 1 of the RTI application the SPIO informed the petitioner that letter No. SBM/ESSTT/2011-12/814 dated 11-12-2012 was not sent from the office of the Zila Parishad to the BDO, Bhabanipur. Similarly, letter No. BDM/SBM/03/2011-12/1579 was not sent by the BDO Bhabanipur to the Zila Parishad. The petitioner produced copies of letters obtained by him from the office of the BDO, Bhabanipur, through RTI. It is seen that in the original RTI application the letter Nos were wrongly mentioned. The letter No. sent by the Zila Parishad to BDO Bhabanipur on 11-12-2012 is SBM-5..... And the letter No sent by BDO, Bhabanipur to the Zila Parishad begins with BDB and not BDM as

mentioned in the original RTI application. The Commission directs the SPIO to furnish copies of the above 2 letters with the correct Nos. and give to the petitioner within 15 days from the date of receipt of this order.

In course of today's hearing the petitioner submitted that the main information & relief he is seeking is that the BDO, Bhabanipur had recommended his name as Block Coordinator against a vacant post. But the CEO Zila Parishad appointed another candidate against the recommendation of the BDO, Bhabanipur. The Commission directs the SPIO of Barpeta Zila Parishad to give **within 20 days from the date of this order which is pronounced in presence of both the parties. copies of ::-**

- (a) BDO's letter recommending the name of the petitioner for appointment**
- (b) Copies of file notings where the decision to appoint another candidate was taken in place of the petitioner, and**
- (c) Copy of appointment letter of the other person as Block Coordinator**

The petitioner also wanted to know complete information in respect of Qn.No. 5 of his RTI application . From the reply furnished by the SPIO on 6-4-2013, it is seen that the SPIO did not give information on the expenditure incurred against the individual works with copy of individual vouchers.

Moreover, out of the unspent balance, how much money is lying unspent against what works have also not been furnished.

The Commission directs the SPIO to furnish the above information to the petitioner within 20 days from the date of receipt of this order to the petitioner by Registered A/D. The SPIO Barpeta Zila Parishad will report compliance of this order within 30 days.

With the above order, the second appeal petition and the complaint petition is disposed of.

**Sd/-**

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

**Authenticated true copy**

**Sd/-**

**Secretary & Registrar  
Assam State Information Commission**

**Memo No.SIC/ BPT.55/2013/**

**8-5-2015**

**Copy to :**

1. Md. Omar Khayyam, PMEO & SPIO, Barpeta Zila Parishad for information & necessary action .
2. SPIO of Bhawanipur Zila Parishad, Barpeta for information and necessary action.
3. Sri Pankaj Kr. Kalita, P.O. Tapa, P.O- Saru Tapa, Dist- Barpeta, Assam PIN-781352 for information .
4. Computer Section for uploading in the Website.
5. Office file.

**Secretary & Registrar**

**Assam State Information Commission**