

**OFFICE OF THE  
ASSAM STATE INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : HLK. 54/2013

Complainant/ appellant : Md. Jakir Hussain Barbhuiya

Respondent : Assistant Director, Food, Civil Supplies & CA,  
Hailakandi

Date of hearing : 07.5.2015

Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
appeal heard by Chief Information Commissioner, Assam

**O R D E R**  
07.5.2015

The petitioner Shri Jakir Hussain Barbhuiya is present. He sought permission of the Commission to take the assistance of his companion Abul Khoyar Barbhuiya, which is allowed. The Public Authority is absent without any information or seeking leave of the Commission. In the absence of the public Authority the second appeal petition dtd 3.7.2013 is taken up for hearing ex-parte.

Vide his RTI application dtd 7.4.2012 the petitioner sought information on 9 (nine) points relating to handling of PDS commodities by the Nitaianagar GPSS, Dist- Hailakandi. The RTI applicant did not mention any time period, for which information is sought for, except against point No. 4 ( four), which mentions the time period as 2010- 12. The RTI application with the above infirmities was addressed to the Deputy Commissioner, Hailakandi who transferred it u/s 6(3) of the RTI Act, 2005 to the Asstt. Director, Food, Civil Supplies & CA, Hailakandi, who in turn transferred it to the Secretary Nitainagar GPSS on 27<sup>th</sup> April, 2012. But the concerned GPSS has not furnished any information to the petitioner till today. On 13.8.12 the petitioner submitted an appeal petition before the Deputy Commissioner, Hailakandi as the first Appellate Authority. There was no response to the appeal petition. Being aggrieved, the petitioner filed a second appeal petition dtd 3.7.13 and submitted before the Commission today that he still is in need of the sought for information.

In view of the above facts and circumstances of the case, the Commission is of the opinion that the petitioner has so far been denied the information which he is entitled to have under the RTI Act, 2005. The Commission, therefore, directs the D.C., Hailakandi as the first Appellate authority to dispose of the first appeal petition dtd 13.8.12, which is still pending before the Deputy Commissioner, with a speaking order within 15 ( fifteen) days from the date of receipt of this order giving point-wise response/information to the original RTI application dtd 7.4.12 to the extent they come within the ambit of the RTI Act, 2005.

The concerned Public Authority i.e. Secretary Nitainagar GPSS as well as the Asstt. Director of Food, Civil Supplies & C.A. of Hailakandi district are also directed to show cause within 30 ( thirty) days from the date of receipt of this order as to why penal actions shall not be taken against them u/s 20 of the RTI Act, 2005 for failing to perform their mandatory duties under the said Act.

Sd/-

(H. S. Das)  
Assam State Chief Information Commissioner,  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar  
Assam State Information Commn.

Memo No. HLK.54/2013

Dtd. 07.5.2015

Copy to:

1. The Deputy Commissioner, Hailakandi, Assam for information and necessary action.
2. The Asstt. Director, Food, Civil Supplies & C.A., Hailakandi, Assam for information and necessary action.
3. The Secretary, Nitainagar GPSS LTD., Dist- Hailakandi, Assam for information and necessary action.
4. Md. Jakir Hussain Barbhuiya, Vill- Sayedbond Pt. I, PO- Kalibari Bazar, Dist- Hailakandi, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar  
Assam State Information Commission