

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

Case No. : KP(M).53/2008

Complainant/ appellant : Sri Phatik Ch. Sarmah

Respondent : Director, Secondary Education, Assam

Date of hearing : 20.5.2015

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

O R D E R
20.5.2015

The petitioner Shri Phatik Ch. Sarmah is present. The Public Authority is represented by Sri Harendra Nath Sarma, SPIO & Dy. Director, Secondary Education in the office of the Director, Secondary Education, Assam. The complaint petition dtd 18.1.14 for non-compliance of the Commission's order dtd 20.4.10 and 20.12.13 was taken up for hearing in presence of both the parties.

The SPIO submitted that the petitioner gave a copy of the enquiry report prepared by the Dy. Director of Secondary Education, Assam, Shri Khagendra Nath Das. The report is unsigned. He further submitted that there is no record in Director, Secondary Education's office of having received any signed report from Shri K.N. Das, Dy. Director, Secondary Education. The petitioner stated that the then Dy. Director, Secondary Education told him verbally that he had submitted this report to the Director, Secondary Education and gave petitioner an unsigned copy. The petitioner does not have any written evidence that this report was submitted by Shri K.N. Das to the Director, Secondary Education, except for his verbal assurance that he had submitted the report. However, the unsigned report containing two pages and copy of which is available in the case records mentions in the caption that the enquiry report was prepared on the basis of DSE's order dtd 18.5.10 and no file number has been mentioned. Therefore, this also cannot be taken as a conclusive evidence that actually the report was submitted by Shri K.N. Das to the DSE on the basis of his order dtd 18.5.10.

The Commission, therefore, directs the SPIO in the office of the Director of Secondary Education to search his office records whether there was any order from the DSE dtd 18.5.10 asking Shri K.N. Das the then Dy. Director, Secondary Education to conduct enquiry into the matter of Smt. Barnali Sarmah. If no such order or formal enquiry report of Shri K.N. Das is found in the office record, then the Director, Secondary Education shall conduct, at the level of Joint Director, a fresh enquiry in the matter of non-appointment of Smt. Barnali Sarmah against regular post. After examining the enquiry report as per procedure, Director, Secondary Education will pass a speaking order on the report and communicate the same to this Commission along with photocopy of the relevant note sheet so as to comply with this commission's orders dtd 20.4.10 and dtd 20.12.13, copies of which the SPIO will collect from the Commission's office.

Director, Secondary Education or his SPIO will report compliance of this order within 30 (thirty) days from the date of receipt of this order.

Sd/-

(H. S. Das)

Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No.KP(M).53/2008/

Dtd. 20.5.2015

Copy to:

1. The Director, Secondary Education, Assam, Kahilipara, Guwahati -19 for information and necessary action.
2. The SPIO & Dy. Director, Secondary Education, Assam, Kahilipara, Guwahati – 19 for information and necessary action.
3. Sri Phatik Ch.Sarmah, HO No. 16, Chilarai Path, Dwaraka Nagar, Khanapara, Guwahati-22 for information
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission