

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

Case No. : BPT.44/2012
Complainant/ appellant : Kamal Kumar Das
Respondent : SPIO in the office of the Commissioner &
Secretary, Urban Dev. Deptt., Govt. of Assam,
Dispur
Date of hearing : 24. 6.2015
Complaint/ Second : Shri H.S. Das, IAS (Retd)
appeal heard by Chief Information Commissioner, Assam

O R D E R
24.6.2015

The petitioner Shri Kamal Kumar Das is present. The Public authority is represented by Shri Sailendra Kr. Das, Deputy Secretary & SPIO in the Urban Dev. Department accompanied by one Sanjib Phukan, Jn. Assistant of the U.D. Department. The second appeal petition dtd 2.7.12 is taken up for hearing in presence of both the parties.

The first Appellate Authority i.e the Secretary, Urban Development Department, Govt. of Assam made a written submission dtd. 23.6.15 which is entered into the case records.

The SPIO has also made a written submission dtd. 22.6.15 stating that there was delay in addressing the RTI petition because the concerned Assistant did not process the same for three months without giving any reason. His written submission is entered into the case records. He further submitted that vide Department's letter No. UDD (M).160/2007/109 dtd 16.5.12 required information was sent to the petitioner. However, the petitioner in his second appeal petition dtd. 2.7.12 did not mention that:- (1) he received information from the Public Authority, although he may not be satisfied with the information, and (2) nor did he enclose a copy of the information received by him along with the second appeal petition so that the Commission could not assess as to what extent the information furnished by the Public Authority was incorrect or incomplete. The petitioner has also erred by not moving the first Appellate Authority to redress his grievances and coming directly to the Commission with a second appeal petition, which is not in accordance with the laid down rules and procedures under the RTI Act, 2005.

The petitioner is, therefore, directed to approach the first Appellate Authority as per procedure enclosing copy of the information already received by him and indicating as to what extent the required information are incomplete. He is directed to file his first appeal as above within 15 (fifteen) days from the date of this order which was pronounced in presence of both the parties and the first Appellate Authority of Urban Dev. Department shall give a hearing and dispose of the same within 30 (thirty) days from the date of receipt of the first appeal petition.

The Secretary, Urban Development Department, Assam is also directed to take appropriate disciplinary action against the concerned Assistant who did not process the RTI application for three months for no known reason as stated by the SPIO at paragraph 3 (three) of his written submission dtd. 22.5.15 made before the Commissions today and inform the Commission about the action taken within a period of two months.

With the above order, the second appeal petition is dismissed.

Sd/-

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

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No.BPT.44/2012/

Dtd. 24.6.2015

Copy to:

1. The SPIO in the office of the Commissioner & Secretary, Govt. of Assam, Urban Dev. Department, Dispur for information and necessary action.
2. Shri Kamal Kumar Das, Vill- Sundaridia, Kalayahati, PO- Sundaridia, dist. Barpeta, Assam for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission