

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

Case No. : **NLB.22/2013**

Complainant/ appellant : **Shri Harmohan Kalita**

Respondent : **Sri Monoj Kr. Barman,
E.O (F) Nalbari Development Block**

Date of hearing : **18-8-2015**

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

O R D E R

The petitioner Sri Harmohan Kalita is absent. The public authority is represented by (1) Sri Monoj Kr. Barman, E.O (F) Pub Nalbari Development Block, (ii) Sri Mahesh Ch. Deka, Secretary, 9 No. Madhya Bahjani, and (iii) Sri Pabitra Choudhury, APO (A), office of the DRDA, Nalbari.

The complaint petition dated 28-6-2013 is taken up for hearing ex-parte.

The Project Director, DRDA, Nalbari has made a written submission dated 14-8-2015 stating that as the first Appellate Authority he had directed the SPIO of Pub Nalbari Development Block to furnish the required information to the petitioner within 7 days from the date of hearing i.e., 26-2-2013. His written submission is entered into the case records.

The SPIO of Pub Nalbari Development Block has made a written submission dated 12-8-2015 which is also entered into the case records. The SPIO has enclosed a copy of 1st Appellate Authority's order dated 26-2-2013, wherein it is recorded that :- (a) as per the report of SPIO, Pub Nalbari Development Block, due to negligence of Sri Madan Deka, Secretary, G.P of No.-9 Madhya Bahjani G.P the document could not be submitted to the petitioner, (b) The SPIO also reported that Sri Madan Deka did not comply with any RTI order in other cases also. The first Appellate Authority, therefore, ordered the G.P Secretary Sri Madan Deka to show cause as to why he was absent in the hearing and for non-furnishing of information / documents to the petitioner within 7 days.

It is, therefore, seen that the Project Director's submission before the Commission today that he directed the SPIO of Pub Nalbari Development Block to furnish the required information to the petitioner within 7 days from the date of hearing is different from his order on 26-2-2013. In his order he asked the G.P Secretary Sri Madan Deka to show cause within 7 days.

The present Secretary of No. 9 Madhya Bahjani G.P Shri Mahesh Ch. Deka who is present today submitted that Sri Madan Deka, his predecessor, has been placed under suspension for various other reasons. Shri Mahesh Ch. Deka has made a separate written submission dated 17-8-2015 which is also entered into the case records. In his written submission he has stated that Sri Madan Deka, the previous Secretary of the G.P did not hand over any documents/ records to the present incumbent Sri Mahesh Ch. Deka. Therefore, he has not been able to furnish the required information to the petitioner.

Under the above circumstances, the Commission directs the Chief Executive Officer of Nalbari Zila Parishad to take appropriate disciplinary action against Sri Madan Deka the suspended G.P Secretary of 9 No. Madhya Bahjani G.P for his failure to comply with the provisions of the RTI Act and furnish the required information to the petitioner within the stipulated time period.

For this lapse, a separate Departmental Proceeding with a separate charge-sheet shall be drawn up and the CEO will report compliance to the Commission, within a month 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 **NLB.22/2013/ -A**

18th August, 2015

Copy to:

1. Chief Executive Officer of Nalbari Zila Parishad for information and necessary action.
2. Shri Mahesh Ch. Deka, Secretary of No. 9 Madhya Bahjani G.P , Nalbri for information.
3. Sri Madan Deka, 9 No. Madhya Bahjani , Nalbari for information.
4. Sri Harmohan Kalita, P.O- Bhanukuchi, P.O- Kalag, Nalbari, PIN- 781 351 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Secretary & Registrar
Assam State Information Commission

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

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. KP(M) 400/2010/

Dtd. 22.7.2015

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7. Computer Section for uploading in the Website.
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Secretary & Registrar
Assam State Information Commission