

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

Case No. : JRT.34/2013

Complainant/ appellant : Sri Hemanta Saikia

Respondent : Deputy Commissioner, Jorhat, Assam

Date of hearing : 29.9.2015

Complaint/ Second : Shri Pinuel Basumatary, IA&AS (Retd)
appeal heard by : State Information Commissioner, Assam

O R D E R
29.9.2015

The SPIO in the office of the Chairman, Sadharan Jati Unnayan Parishad, Jorhat is absent without information.

The appellant/Complainant Shri Hemanta Saikia is present. Hearing is taken ex parte of the SPIO.

The SPIO, deemed Public Authority has not complied with the Commission's direction for submission of written reply explaining as to why penalty u/s 21 of the RTI Act, 2005 would not be imposed on him for his failure to furnish the information sought for by the applicant within the stipulated period of 30 days. The written reply was to be submitted to the Commission before the start of the hearing today.

Perused the letter No.TAD/BC/502/2013/428 dtd 28.9.2015 written to the Commission by the Deputy Secretary to the Govt. of Assam & SPIO, Department of Welfare of Plain Tribes & Backward Classes, Dispur in response to the copy of the Commission's notice of hearing endorsed to the Secretary to the Govt. of Assam, WPT&BC Department as the First Appellate Authority. The Department has submitted through the said letter that the Department had not received any RTI application from the applicant or the letter No.JMC.1/2013/Pt-II/145 dtd 01.8.2013 from the SPIO and ADC, Jorhat.

The Appellant/Complainant submitted that he had not received the information he had sought for and the first appeal he had submitted to the Deputy Commissioner, Jorhat and forwarded by the letter to the Secretary to the Govt. of Assam, WPT&BC Department has not been disposed of.

The appellant also submitted the detailed address of the SPIO, which is as follows:-

Chirman,
Sadharan Jati Unnayan Parishad,
Bapuki Nagar, Bohotia Gaon,
Hiteswar Borboruah Path,
PO- RRL, Jorhat, Assam
PIN- 785006

The appellant further submitted that although he was in receipt of the letter No. JMC.1/2013/Pt-II/37 dtd.25.6.2013 from Addl. Deputy Commissioner, Jorhat, informing him that his application has been forwarded to the Chairman, Sadharan Jati Unnayan Parishad, Jorhat, he was not in the receipt of the copy of the forwarding letter in this

regard and added that he had no information as to whether the addressee had received his application.

In view of the above, the Commission is of the view that the SPIO, Department of WPT&BC, Govt. of Assam failed to demonstrate adequate importance to the First appeal case by merely reporting about not receiving the appeal case stated to have been sent by the SPIO and Addl. Deputy Commissioner, Jorhat through his letter No. JMC.1/2013/Pt-II/145 dtd 01.8.2013. The Commission is of the view that the First Appellate Authority ought to have obtained the said letter and the other relevant documents including the RTI application instead of merely stating that the same had not been received.

The Commission further directs the First Appellate Authority to dispose of the appeal by the applicant under the RTI Act, 2005. As the time stipulated by the said Act for the First Appellate Authority is already long past, the case may now be disposed of under the relevant provisions of the said Act within 21 days of receipt of this order.

The Appellant/Complainant will be at liberty to move the Commission again if he is aggrieved by the order of the first Appellate Authority or non-compliance thereafter.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. JRT.34/2013/

Dtd. 29.9.2015

Copy to:

1. The Secretary to the Govt. of Assam & First Appellate Authority, WPT&BC Department, Dispur Guwahati-781 006 for information and necessary action.
2. The SPIO in the office of the Chairman, Sadharan Jati Unnayan Parishad, Bapuji Nagar, Bohotia Gaon, Hiteswar Borboruah path, PO- RRL Jorhat, Assam, PIN-785006 for information and necessary action.
3. Shri Hemanta Saikia, Barigaon Khajuri Guri, Dist. Jorhat, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission