



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

Case No. : **KP(M)583/2013**

Complainant/ appellant : **Sri Manjit Kumar Sarma**

Respondent : **Home Department.**

Date of hearing : **29-10-2015**

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

**O R D E R
3-11-2015**

The petitioner Sri Manjit Kr. Sarma is absent without any information. The public authority is represented by Ms. Mayuri Chetia, ACS, SPIO and Deputy Secretary, Home & Political Department.

In the absence of the petitioner/ appellant the second appeal petition dated 10-9-2013 is taken up for hearing ex-parte.

The SPIO , Home Department has made a written submission dated 29-10-2015 which is entered into the case records. In her written statement the SPIO has stated that – she was designated as SPIO of Home Department vide Notification dated 24th February, 2014. She has further stated that her predecessor SPIO had transferred the RTI petition dated 14-6-2013 received from Sri Manjit Kr. Sarma to the SPIOs of Political Department and Guwahati Development Departments vide his letter No. HMA.557/2013/2 dated 8th July, 2013. She has enclosed a copy of this letter, copy of which was also addressed to the petitioner Sri M. K. Sarma.

Subsequently, the petitioner filed an appeal petition dated 2-8-2013 before the Commissioner & Secretary to the Govt. of Assam, Home Department as the First Appellate Authority, which was received in the department on 8-8-2013, as stated by the SPIO. She further deposed that after receipt of this first appeal petition, the First Appellate Authority issued

From the records , it could not be made out whether the concerned authorities had ordered any official inquiry into the above mentioned incidents. The information sought for by the petitioner depends on the outcome of any such inquiry if at all they were ordered by the concerned authority. The Commission also notices that the Commissioner & Secretary, Home Department, Govt. of Assam had fixed dates for hearing of the first appeal petition on 3 different occasions, although hearing could not be held in the absence of the petitioner due to late receipt of Notices on the 1st and 3rd dates, and apparently due to non issue of notice on the 2nd date ie. On 22-10-2013

The Commission , therefore, directs the Commissioner & Secretary, Home and Political Department in his/ her capacity as Commissioner & Secretary of Political Department and the First Appellate Authority of Political Department to fix another date of hearing the First Appeal Petition dated 2-8-2013 by giving fresh Notice to the petitioner and serve the same through Process Server and ensure receipt of the Notice by the petitioner. The First Appellate Authority is directed to issue notices to the other concerned authorities related to the subject matter of the RTI petition dated 14-6-2013 so as to elicit the correct position with regard to the issues raised in the RTI application and furnish the correct and complete information to the petitioner within 45 days from the date of receipt of this order.

The petitioner will be free to move another second appeal petition against the order of the First Appellate Authority, under Section 19(3) of the RTI Act, 2005, if he feels it necessary

With the above order the second appeal petition dated 10-9-2013 is disposed of.

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)583/2013/ -A

Dtd. 03-11-2015

Copy to:,

1. Commissioner & Secretary, Home & Political Department, Govt. of Assam for information and necessary action