

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

Case No. : BPT.91/2013

Complainant/ appellant : Md.Farhad Bhuyan

Respondent : Chief Executive Officer, Barpeta Zilla Parishad

Date of hearing : 06.11.2015

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

O R D E R
06.11.2015

Public Authority was represented by Md. Omar Khayyam, PM&EO (BRGF) & SPIO, Barpeta Zilla Parishad, barpeta, Assam

Appellant was absent.

Perused the records in the Second Appeal Case.

The following is the sequence of events:.

3.4.13	RTI Application submitted to CEO, Barpeta Zilla parishad
3.7.13	First Appeal submitted to CEO, Barpeta Zilla parishad
22.11.13	Reminder of First Appeal
28.11.13	Complaint filed before the Commission
16.10.15	Hearing Notice.

Perused case records and the WS No. BZP(RTI) 116/2012/1580 dtd 6.11.15 submitted by SPIO. It is submitted by the SPIO personally and through the WS that the First Appeal preferred by the Applicant Md. Farhad Bhuyan was dropped on account of his absence in the hearing. It is also submitted that the requisite information was subsequently sent to the Applicant by post on 1.1.14. Copy of the forwarding letter No. BZP(RTI) 116/2012/1472 dtd 30.12.13 has been enclosed with the WS.

In the absence of the Appellant in the hearing and any communication from him, it could not be ascertained whether he had received the said post from the SPIO.

However, based on the submission of the SPIO, the complaint case is disposed of.

From the WS it is seen that the First Appellate Authority had notified date of hearing but dropped the Appeal process on account of the absence of the Appellant without issuing any order on the merit of the Appeal. The Commission therefore, makes an observation that the First Appellate Authority ought to have considered and dispose of the First Appeal on its merit in accordance with the relevant section of the RTI Act, 2005, instead of dropping it merely on the ground of absence of the Appellant.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No. BPT.91/2013/

Dtd. 06.11.2015

Copy to:

1. The Chief Executive Officer, Barpeta Zilla Parishad, Dist. Barpeta, Assam, PIN- 781301 for information.
2. Mr. Farhad Bhuyan, Vill & PO- Barhari (Muslim Para), Dist. Barpeta, Assam, PIN- 781 302 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission