



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

Case No. : HLK.1/2014  
Complainant/ Appellant : Md. Abdul Fazal Barbhuiya  
Respondent : The Secretaries, M/s. Nitainagar GPSS Ltd. and M/s. Algapur GPSS Ltd., Hailakadi  
Date of hearing : 17.12.2015  
Complaint/ Second : Shri Pinuel Basumatary, IA&AS ( Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**  
17.12.2015

The SPIOs/Secretaries of Nitainagar GPSS Ltd and Algapur GPSS Ltd., Hailakandi are absent without information.

The Appellant is absent.

A perusal of the case records indicate the following sequence of significant dates:

23.08.13 RTI Application filed with the Assistant Director, F.C.S. &C.A., Hailakandi.  
18.09.13 Forwarding/transferring of the Application to the Secretaries of the three GPSS of Nitainagar, Algapur, Kalinagar, Hailakandi.  
28.10.13 Repeat direction to provide information given to the said GPSS by Asst. Director, F.C.S. & C.A.  
13.11.13 First Appeal filed with the Asst. Director, F.C.S. & C.A.  
18.11.13 Repeat direction to provide information by Asst. Director, F.C.S. & C.A.  
20.12.13 Second Appeal filed before the Commission.

No Written Statement has been received from the respondent Secretaries of the GPSS in response to the hearing notice of the Commission dated 30/11/2015. Further, the said Secretaries had not submitted any explanation to the Commission as to why penalty shall not be imposed on them Under Section 20 (1) of the RTI Act, 2005 for their failure to furnish the information to the Applicant within the stipulated period of 30 days.

Perusal of the case records show that the Secretaries of the aforementioned two GPSS and that of Kalinagar GPSS had been directed by the Assistant Director, F.C.S. & C.A. while transferring the RTI Application through his forwarding letter dated 18/9/2013 to provide the information within 7 days from the date of receipt of the order. As the information sought for by the Petitioner was not provided, the Assistant Director, F.C.S. & C.A. gave two repeat directions, firstly through his letter no. HS.29/RTI/2013/197 dated 28/10/2013 to provide the information within 3 days of receipt of the order, then through his letter no. HS.29/RTI/2013/257 dated 18/11/2013 to provide the information forthwith. In the meantime, the Secretary of Kalinagar GPSS furnished the information whereas, the Secretaries of Nitainagar GPSS and Algapur GPSS failed to comply with the provisions of the RTI Act, 2005 and the direction of the Assistant Director, FCS & CA's repeat, clear direction. After the repeated failure of the concerned SPIOs, the RTI Applicant filed the Second Appeal before the Commission on 20/12/2013.

After careful consideration of the facts, the Commission concludes that the Secretaries of Nitainagar GPSS and Algapur GPSS in the District of Hailakandi have not only failed to furnish the information sought for by the RTI Applicant within the time specified Under Sub-Section 1 of Section 7 of the RTI Act, 2005 but also have failed to comply with the direction of

their superior authority in this regard persistently and therefore, there is a case for recommending disciplinary action against them under the service rules applicable to them.

The Commission now, therefore, orders that –

1. The said SPIOs namely Secretary, Nitainagar GPSS Ltd. and Algapur Ltd. shall provide the information sought for by the Petitioner/Applicant within 10 days of receipt of this order free of cost.

2. The said SPIOs namely Secretary, Nitainagar GPSS Ltd. and Algapur Ltd. shall submit an explanation to the Commission as to why

(a) penalty shall not be imposed on them Under Section 20 (1) of the RTI Act, 2005 for their failure to furnish the information to the Applicant within the stipulated period of 30 days, within 15 days of receipt of this order.

(b) disciplinary action against them will not be recommended to the concerned authority of the State Government for their failure to provide the information under RTI Act within specified time and their persistent failure to provide the information despite clear direction from their superior authority in this regard to do so.

The Commission also orders that the Assistant Director, F.C.S. & C.A. as the First Appellate Authority shall consider and dispose of, with a speaking order, the First Appeal in accordance with the provisions of RTI Act, 2005 within a period of 15 days of receipt of this order

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar  
Assam State Information Commission

Memo No. HLK.1/2014 -A

Dtd. 17.12.2015

Copy to:

1. The Secretary, M/s. Nitainagar GPSS Ltd., Hailakandi, Dist- Hailakandi, Assam, Pin- 788155 for information and necessary action.
2. The Secretary, M/s. Algapur GPSS Ltd., Hailakandi, Dist- Hailakandi, Assam, Pin-788150 for information and necessary action.
3. The First Appellate Authority, Office of the Assistant Director, Food, Civil Supplies and Consumer Affairs, Hailakandi, Dist- Hailakandi, Assam, Pin- 788151 for information and necessary action.
4. Md. Abdul Fazal Barbhuiya, President ABSUF, General Committee, S/o- Sainul Hoque Borbhuiya, Vill- Bilpar Dhumkar, P.O.- Rangauti, P.S.- Hailakandi, Dist. Hailakandi, (Assam) Pin-788155 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Secretary & Registrar  
Assam State Information Commission