



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

Case No. : KP(M).68/2013  
Complainant/ Appellant : Md. Rofic Ali.  
Respondent : The SPIO & Joint Director, O/o the Director of Social Welfare, Assam.  
Date of hearing : 22.12.2015  
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS ( Retd),  
State Information Commissioner, Assam

**O R D E R**  
22.12.2015

The Appellant/Petitioner present.

The SPIO, Directorate of Social Welfare, Assam absent without any information. No Written Statement has been received either the SPIO nor the First Appellate Authority(FAA)/ Director, Social Welfare, Assam who was directed by the Commission through its hearing notice dated 14/12/2015 to apprise it (the Commission) about the steps he/she may have taken to dispose of the First Appeal in time.

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

25.02.11 RTI Application filed with the SPIO & Joint Director, Directorate of Social Welfare, Assam.  
03.04.12 Information furnished.  
01.03.13 Request/First Appeal filed with the Directorate of Social Welfare, Assam.  
06.11.12 Second Appeal filed before the Commission.

The Appellant has submitted that he has not received the information sought by him. Perusal of the records show that the information sought for by the Appellant/ Petitioner is not strictly 'information' as defined in the RTI Act, 2005 in that he had queried as to when his arrear pay and allowances would be paid to him. However, an information of interim nature was furnished to him by the SPIO through letter no. DSW(G) 68/2011/10 dated 3/4/2012 to the effect that there was no budget provision for arrear pay during the year 2011-12 and that appropriate action would be taken in the year 2012-13.

The Appellant has submitted that he has not received any further information after the said communication although three financial years have since passed and the fourth financial year was nearing its end.

The Commission is of the view that considering the importance of the matter to the RTI Petitioner/Appellant and non-resolution of the basic grievance of the Appellant which is Payment of salary, the SPIO ought to have submitted to the Commission a Written Statement on the latest position on the matter of payment of arrear salary to the Appellant or be present at today's hearing.

Further, the Commission is of the view that the Director of Social Welfare, Assam as First Appellate Authority (FAA) ought to have apprised the Commission on the steps he/she may have taken on the request/First Appeal dated 1/3/2013 submitted by the Appellant. The FAA had been directed to do so by the Commission in its hearing notice dated 14/12/2015.

In view of the facts and circumstances brought out above, the Commission hereby orders that the SPIO shall provide the information to the Appellant/Petitioner based on the current position of the case of payment of arrear pay and allowances within a period of 15 days of receipt of this order, with a speaking order.

The Commission also orders that the Director, Social Welfare, Assam as FAA will consider and dispose of the aforementioned request/First Appeal filed by the Appellant within a period of 21 days of receipt of this order.

Considering the fact that the RTI Petitioner retired nearly 7 (seven) years back and it is a matter of arrear pay and allowances due to him, it will be desirable in the public interest and ends of justice for the Director, Social Welfare, Assam to enquire into the reason for the inordinate delay in taking effective action for releasing the said arrear pay and allowances of the Petitioner and ensure needful action in this regard.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar  
Assam State Information Commission

Memo No. KP(M).68/2013 -A

Dtd. 22.12.2015

Copy to:

1. The SPIO, Office of the Director, Social Welfare, Assam, Guwahati, Uzanbazar, Pin-780001 Assam for information and necessary action.
2. The First Appellate Authority/Director, Social Welfare, Assam, Guwahati, Uzanbazar, Pin-780001 Assam for information and necessary action.
3. Md. Rofic Ali, S/o- Lt. Amzad Ali, Vill- Chinatoli, P.O.- Kacharihat, Dist- Golaghat, Assam, Pin- 785621 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar  
Assam State Information Commission