



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

Case No. : KP(M).567/2013
Complainant/ appellant : Shri Dulal Bora
Respondent : Public Works Department, Govt. of Assam
Date of hearing : 28. 1.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

28.1.2016

The appellant Shri Dulal Bora is present. The Public Authority is represented by (1) Shri Sushil Uzir, Under Secretary & APIO, and (2) Shri Ranapratap Bezbaruah, Executive Engineer, PWD, Guwahati Building division-II accompanied by Smt. Urmimala Das, Junior Assistant. The Second Appeal petition dtd 4.9.13 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the applicant vide his RTI petition dtd 6.5.13 submitted before the Commissioner & Secretary, Govt. of Assam, PW Department (Building) seeking information on departmental action taken against one Shri Robin Das, Gr. IV employee of PWD, Guwahati (Bldg) Division-II after his arrest by police on 25.3.13 with reference to Basistha Police Station Case No. 215/13. The Executive Engineer of PWD, Guwahati (Bldg) Division-II had already informed the applicant vide letter dtd 25.6.13 that he had no information of arrest of the employee Shri Robin Das by police. The Basistha Police Station did not make any contact with the Executive Engineer. Hence no action was taken up against the employee.

This Commission is of the view that it is the duty of a controlling officer to place any Government servant under suspension if, the Government servant remains in police custody for 48 hours or more. It is therefore, expected that the controlling authority i.e. the Executive Engineer, PWD, Guwahati (Bldg) Divn.-II should have taken the initiative to ascertain the facts as reported by the RTI applicant in his application dtd 6.5.13 and take necessary action under relevant rules.

With the above observation, since the reply to the applicant has already been given, the second Appeal petition dtd 4.9.13 is disposed of.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

- Copy to:
1. The Commissioner & Secretary, Govt. of Assam, PWD, Dispur, Guwahati-6 for information.
 2. The Executive Engineer, PWD, Guwahati (Bldg) Division-II, Dispur, Guwahati-6 for information.
 3. Shri Dulal Bora, Kainadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
 4. Computer Section for uploading in the Website.
 5. Office File.

Secretary & Registrar
Assam State Information Commission