

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

Case No. : SIC/NGN.40/2013
Complainant : Md. Hazrat Ali.
Respondent : The SPIO, O/o the Deputy Commissioner,
Nagaon.
Date of hearing : 02.02.2016
Complaint heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R
02.02.2016

Neither party present. However, a letter dated 30/1/2016 received from the SPIO, office of the Deputy Commissioner, Nagaon.

Perused the said letter. The SPIO has requested to fix another date for hearing on the ground of paucity of time for submission of detailed written report on the case to the Commission.

Perused the case records. It is seen that in the instant case too, the SPIO had transferred the RTI Application under Section 6 (3) of the RTI Act, 2005 to another officer namely, Additional Deputy Commissioner, Magisterial Branch in the same office which is not appropriate. The proper course of action for the SPIO in this case would have been to collect the information by seeking assistance of the concerned officer under section 5 (4) of the said Act.

In the absence of the Complainant and any written communication from him, the Commission could not determine as to whether he had received the information subsequent to his filing of the Complaint with the Commission dated 24.06.2013.

Case records indicate that the Complainant had not submitted the First Appeal with the First Appellate Authority (FAA) before lodging the Complaint with the Commission. In view of this and the absence of any response from the Complainant to the Commission's hearing notice dated 25.01.2016, the instant case is disposed of with the direction to the SPIO to review the status of the RTI Application of the Complainant dated 02.05.2013, and to provide the information, if not already done, free of cost, within a period of 10 days of receipt of this order.

If the Complainant is not satisfied with the action taken by the SPIO in terms of this order, he shall be at liberty to file First Appeal Petition before the FAA, i.e. Deputy Commissioner, Nagaon .

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.
Sd/-
Secretary & Registrar
Assam State Information Commission

Copy to:

1. The SPIO, Office of the Deputy Commissioner, Nagaon, P.O.- Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information.
2. The First Appellate Authority/ Deputy Commissioner, Nagaon, P.O.- Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information.
3. Md. Hajrah Ali, S/o late Md. Abbas Ali, Vill- Kandhulimari, PO- Tarabari, PS- Rupahihat, Dist- Nagaon, Assam, Pin- 782125 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission