



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

Case No. : SIC/CCR.46/2013
Appellant : Md. Mansoor Hassan Barbhuyan.
Respondent : The SPIO, O/o the Inspector of Schools, CDC Silchar,
Cachar.
Date of hearing : 25.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
25.02.2016

Neither party present. No W/S received.

However, considering that the matter has been pending for some time, the Commission has decided to go ahead with the hearing on this appointed day *ex parte*.

The SPIO has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 02.02.2016. The SPIO has also not submitted any explanation as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

In the absence of the Appellant in today's hearing and any written communication from him, the Commission could not determine as to whether he has received the information he had sought for subsequent to submission of the Second Appeal dated 01.06.2013.

The case records indicate that the Appellant had filed the Second Appeal with this Commission being aggrieved at the SPIO not furnishing the information he had sought for and lack of effective response to his First Appeal dated 25.03.2013 and RTI Application dated 01.02.2013.

It is seen that the First Appeal had been filed with the D.C., Cachar who in turn forwarded the same to the Inspector of Schools, CDC Silchar, Cachar through letter dated 04.04.2013 written by the Additional D.C., i/c RTI Cell, Cachar, Silchar.

There is no evidence of the appropriate First Appellate authority in that Public Authority having disposed of the said First Appeal.

In view of the facts brought out above, the Commission hereby orders the following –

1. The SPIO, Inspector of Schools, CDC Silchar shall furnish the information as sought for by the Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order,
2. The SPIO shall submit a written explanation to this Commission, within 15 days of receipt of this order, as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days, and

3. As the D.C., Cachar had not disposed of the First Appeal dated 25.03.2013 and forwarded to the Inspector of Schools, CDC Silchar, the appropriate First Appellate Authority/Inspector of Schools, CDC Silchar shall consider and dispose of the First Appeal, with a speaking order, within a period of 21 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam State Information Commission

Memo No. SIC/CCR.46/2013/ -A

Dtd. 25.02.2016

Copy to:

1. The SPIO, office of the Inspector of Schools, CDC Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Inspector of Schools, CDC Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. The Deputy Commissioner, Cachar, Silchar, Dist- Cachar, Assam, Pin- 788001 for information.
4. Md. Mansoor Hassan Barbhuyan, C/o- M. A. Barbhuyan (IAS, Retd.), Rongpur Part-IV, VIP Road, NH- 53, Silchar, Dist- Cachar, Assam, Pin-788009 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam State Information Commission