



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

Case No. : SIC/HLK.3/2014
Appellant : Md. Abdul Kayum Barbhuiya
Respondent : The SPIO/Secretary, West Mohanpur Gaon Panchayat,
Hailakandi.
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

The SPIO present. A Written Statement dated 19.02.2016 received.

A copy of the letter dated 18.02.2016 written by the First Appellate Authority/C.E.O, Hailakandi Zilla Parishad to the SPIO narrating the action taken by him on the First Appeal and directing the SPIO to attend today's hearing has been received.

The Appellant absent without information.

Perused the case records. It is seen that the Appellant had filed the Second Appeal dated 04.01.2014 after he failed to receive the information he had sought for from the SPIO within the stipulated time. He has further submitted that the First Appellate Authority (FAA) disposed of his First Appeal dated 07.12.2013 without ensuring furnishing of the information, apparently, on the ground that he (the Appellant) was absent from the hearing, the FAA had taken on 03.12.2013.

Perused the W/S received from the SPIO explaining the reason for the delay in furnishing of the information. It has been submitted that the RTI Applicant had not responded to the advice to deposit the cost of photocopying which was given within the 30 day's stipulated time through a letter dated 17.09.2013. A copy of the said letter has been enclosed with the W/S. It has further been added that instead of depositing the cost of photocopying, the Applicant filed the First Appeal dated 07.12.2013 with the C.E.O. Hailakandi Zilla Parishad. It has also submitted that the SPIO was ready with the information and connected records to be handed over to the Applicant at the time of hearing taken by the FAA on 03.12.2013 which however could not be done owing to his absence in the hearing and also order of the FAA to "dispose of" the matter. It has further been submitted that on receipt of the hearing notice of the Commission dated 04.02.2016, the information along with the connected records/documents has been sent to the RTI Applicant by registered post. A copy of the forwarding letter dated 18.02.2016 along with the photocopies of postal receipt has been submitted before the Commission as an evidence. Perused also the abovementioned letter received from the FAA.

From the case records and the W/S, it appears that the FAA had disposed of the said First Appeal without giving any order relating to furnishing of information to the RTI Applicant which is the purpose of the First Appeal by the FAA in accordance with the RTI Act, 2005. It is also seen that the SPIO was in a position to provide the information timely, had the Appellant/RTI Applicant deposited the cost of photocopying in response to the direction he has received in this connection.

In view of the facts brought out above and the fact that the information sought for by the Appellant is now been provided to him by the SPIO, the Second Appeal case is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam State Information Commission

Memo No. SIC/HLK.3/2014/ -A

Dtd. 25.02.2016

Copy to:

1. The SPIO/Secretary, West Mohanpur Gaon Panchayat, Dist- Hailakandi, PO- Algapur-V, Assam, Pin- 788150 for information.
2. The First Appellate Authority/Chief Executive Officer, Hailakandi Zilla Parishad, Dist- Hailakandi, Assam for information.
3. Md. Abdul Kayum Barbhuiya, S/o Late Samsul Hoque Barbhuiya, Vill- Mohanpur, Pt-I, PO- Algapur, Pt-V, Dist- Hailakandi, Assam, Pin- 788150 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam State Information Commission

