



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

Case No. : SIC/CCR.63/2013  
Appellant : Md. Mansoor Hassan Barbhuyan.  
Respondent : The SPIO/Secretary, Rongpur Gaon Panchayat,  
Silchar, Cachar.  
Date of hearing : 24.02.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
24.02.2016

Neither party present. However, a Written Statement dated 15.02.2016 has been received from the Secretary, Rongpur Gaon Panchayat, Cachar.

Perused the abovementioned W/S. It has been submitted that the current incumbent could not locate any record relating to the instant RTI Application in his office, inspite of having contacted his predecessor about the case, and he be exempted from any penalty under the RTI Act, 2005. The SPIO has however not indicated any plan of action or time frame for tracing out the case records and of providing information sought for by the Applicant/Appellant.

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 filling the Second Appeal dated 20.07.2013. The case records indicate that through his RTI Application dated 13.04.2013, the Appellant had sought information relating to "Rongpur Gaon Panchayat and its office building/administrative centre/premises" and he had filed the Second Appeal after he failed to receive the information from the Secretary, Rongpur GP.

The Appellant has submitted that he filed his First Appeal with D.C., Cachar u/s 19 (1) of the RTI Act, 2005 for the reason that, at that time, there was no C.E.O. in the office of the Cachar Zilla Parishad, *i.e.* district head of PRI institution and it was under the administrative function of the D.C., Cachar. Further, he was aggrieved that without examining his First Appeal dated 05.06.2013, and instead of transferring the said Appeal to the appropriate Public Authority, the D.C.'s office returned the same to the Appellant describing it as not relating to him.

Perusal of case records indicate that the First Appellate Authority did indeed return the said First Appeal by letter dated 14.06.2013 issued by the Addl. D.C., i/c RTI Cell, Cachar Silchar. Thus, the D.C., Cachar failed to dispose of the said First Appeal in accordance with the RTI Act, 2005.

In view of the facts brought out above, the Commission hereby orders that based on the copies of the said Second Appeal, RTI Application and First Appeal which were forwarded by the Commission through its hearing notice dated 02.02.2016, the SPIO/Secretary, Rongpur Gaon Panchayat shall provide the information sought for by the Applicant/Appellant, free of cost, within a period of 15 days of receipt of this order.

Further, considering that Cachar Zilla Parishad has now a C.E.O., it is hereby ordered that the C.E.O., Cachar Zilla Parishad as the First Appellate Authority shall consider and

dispose of the said First Appeal, with a speaking order, within a period of 21 days of receipt of this order.

The D.C., Cachar is hereby advised that, in similar cases in future where he is not the appropriate authority, shall forward the First Appeal he receives to the appropriate First Appellate Authority in the Public Authority for disposal in accordance with the RTI Act, 2005.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam State Information Commission

Memo No. SIC/CCR.63/2013/ -A

Dtd. 24.02.2016

Copy to:

1. The SPIO/Secretary, Rongpur Gaon Panchayat, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Cachar Zilla Parishad, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. The Deputy Commissioner, Cachar, 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

