



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

Case No. : SIC/CCR.49/2013
Appellant : Md. Taj Uddin Mazumder
Respondent : The SPIO, O/o the Executive Engineer, Cachar, Inv.(W.R.)
Division, Badarpur
Date of hearing : 16.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
16.02.2016

Md. Iftikhar Hussain, Assistant Executive Engineer, Katigorah, (W.R.) Sub-Division, Katigorah attended as a representative of the SPIO, office of the Executive Engineer, Cachar, Inv. (W.R.) Division, Badarpur.

A Written Statement which appears mistakenly dated 11.12.2013 received from the Executive Engineer, Cachar, Inv. (W.R.) Division, Badarpur.

The Appellant absent without information.

The Appellant submitted the Second Appeal Petition dated 13.06.2013 to the Commission after receiving neither the information he had sought for through his RTI Application dated 07.01.2013 nor any response to his First Appeal dated 13.02.2013 submitted to Superintending Engineer, Cachar, W.R. Circle, Silchar.

Perused the aforementioned W/S. It is seen that the information sought for is now ready to be provided to the Appellant/Applicant. However, the W/S is indicative of the fact that the RTI Application has not been dealt with in accordance with the provisions of the RTI Act, 2005 and the sequence of actions taken is as follows. The then SPIO received the RTI Application on 17.01.2013 and transferred it to AEE, Katigorah, W.R. Sub-Division through a letter dated 06.02.2013. The said AEE then wrote to the division through his letter dated 22.03.2013 that the information sought for was not available in his office. The said letter was received in the division on the same day as acknowledged by the Head Assistant of the office. No action was however taken by the then SPIO, Sri Pitamber Dekabora, AEE, (T.C).

From the sequence of the events and the actions taken, it is indicative of indifference and neglect on the part of the then SPIO in not collecting the information and providing the same to the RTI Applicant within the time stipulated by the said Act. It also shows that even after receiving the Application back from the sub-division, the SPIO did not take any action to provide the information and failed to perform his duties as an SPIO in terms of the said Act. This negligence and failure on the part of the said officer does not however absolve the responsibilities of his successor(s).

No evidence has been received in the Commission of the First Appellate Authority (FAA)/Superintending Engineer, Cachar, W.R. Circle, Silchar having disposed of the First Appeal dated 13.02.2013 submitted by the Appellant.

Heard the representative of the SPIO. It has been submitted that there has been no regular SPIO for any considerable period after the transfer of the officer mentioned above namely, Sri Pitamber Dekabora.

In view of the facts brought out above, the Commission hereby orders as follows:-

1. The SPIO, office of the Executive Engineer, Cachar shall furnish the information sought for by the Appellant/Applicant, free of cost, within a period of 10 days of receipt of this order.
2. The Executive Engineer, Cachar, Inv, (W.R.) Division, Badarpur, as head of the Public Authority concerning the SPIO shall investigate and ascertain/verify the facts about the date of receipt of the RTI Application submitted by Md. Taj Uddin Mazumder and the dates of the actions taken thereafter, the cause for delay and the SPIO/officer(s) responsible for the failure to comply with the provisions of the RTI Act, 2005 since the receipt of the Application and make a written submission before the Commission, within a period of 15 days of receipt of this order, along with the 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.
3. The First Appellate Authority/Superintending Engineer, Cachar, W.R. Circle, Silchar to whom the First Appeal dated 13.02.2013 have been submitted shall consider and dispose of the said 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/-

Dy. Secretary & Dy. Registrar
Assam State Information Commission

Memo No. SIC/CCR.49/2013/ -A

Dtd. 16.02.2016

Copy to:

1. The SPIO, Office of the Executive Engineer, Cachar, Inv. (W.R) Division, Badarpur, PO- Badarpur, Dist- Karimganj, Assam, Pin- 788806 for information and necessary action.
2. The Executive Engineer, Cachar, Inv, (W.R.) Division, Badarpur PO- Badarpur, Dist- Karimganj, Assam, Pin- 788806 for information and necessary action.
3. The First Appellate Authority/Superintending Engineer, Cachar, W.R. Circle, PO- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
4. Md. Taj Uddin Mazumder, Vill & PO- Lattimari, Katigorah, Dist- Cachar, Assam, Pin- 788805 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission