



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

Case No. : SIC/DHR.13/2013
Appellant : Md. Alom Hussain.
Respondent : The SPIO, O/o the District Elementary Education
Officer (DEEO), Dhubri
Date of hearing : 01.03.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.03.2016

The Appellant present.

The SPIO absent without any information. No Written Statement as sought for through the hearing notice of the Commission has been received from the SPIO.

The SPIO, office of the Director Elementary Education, Assam to whom the hearing notice was addressed as First Appellate Authority (FAA) has sent a W/S dated 26.02.2016.

The SPIO, Office of the DEEO, Dhubri has 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 inspite of having been asked to do so through the Commission's hearing notice dated 17.02.2016.

The Appellant had submitted his Second Appeal dated 01.04.2013 being aggrieved at not receiving the information he had sought for through his RTI Application dated 07.01.2013 and no response from the DEEO, Dhubri to whom the Director, Elementary Education, Assam had transferred his First Appeal dated 19.02.2013.

Perused the aforementioned W/S submitted by the SPIO, office of the Director Elementary Education, Assam. It has been submitted that the First Appeal as mentioned above had been transferred to the DEEO, Dhubri, the latter being the FAA through a letter dated 28.02.2013 under intimation to the Petitioner. There is no evidence of DEEO, Dhubri having disposed of the said First Appeal as required by the RTI Act, 2005.

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

1. The SPIO, office of the DEEO, Dhubri 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, office of the DEEO, Dhubri 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. The FAA/DEEO, Dhubri shall consider and dispose of the First Appeal dated 19.02.2013, 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 Information Commission
Memo No. SIC/ DHR.13/2013/ -A

Dtd. 01.03.2016

Copy to:

1. The SPIO, office of the District Elementary Education Officer, Dist-Dhubri, PO- Dhubri, Assam, Pin- 783301 for information and necessary action.
2. The First Appellate Authority/District Elementary Education Officer, Dist-Dhubri, PO- Dhubri, Assam, Pin- 783301 for information and necessary action.
3. Md. Alom Hussain, S/o Nultu SK, Vill- Kamardihi Part-I, PO- Tilapara, Dist- Dhubri, Pin- 783348 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission