



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

Case No. : SIC/BNG.23/2014
Appellant : Md. Mohibul Hoque
Respondent : The SPIO, O/o the Public Health Engineering (PHE)
Department, Govt. of Assam, Dispur
Date of hearing : 18.03.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
18.03.2016

The Appellant Md. Mohibul Hoque is absent without any intimation. Sri Jogen Boruah, SPIO, PHE is present and has submitted a written statement dated 08.03.2016.

In view of large number of cases pending before this Commission, the Second Appeal petition dated 27.12.2013 is taken up for consideration on merit, *ex-parte* in absence of the petitioner.

On perusal of records, it appears that the petitioner, Md. Mohibul Hoque filed an RTI petition dated 13.06.2013 before the SPIO, SDO (C), North Salmara, Abhayapuri seeking information on deputation of Sri Nirmal Ch. Nath, Assistant Engineer under PHE to DRDA Department. The said application was then transferred to the SPIO, office of the Commissioner & Secretary, PHE vide a letter no. NSRTI-21/2011/188 dated 18.06.2013. The Deputy Secretary to the Govt. of Assam cum SPIO, PHE vide letter dated 11.07.2013 requested the Joint Secretary, P&RD Department to furnish copy of the deputation order of Sri Nirmal Ch. Nath, Assistant Engineer, PHE on deputation to DRDA as the concerned file could not be located in the department with a copy to the appellant.

The petitioner on 16.08.2013 informed the Deputy Secretary & SPIO, PHE, Govt. of Assam that he had not receive any information from P& RD and therefore, requested PHE to provide the same. The SPIO, office of the PHE referred to the RTI petition dated 13.06.2013 and furnished the copy of letter no. RDD.171/2008/103 dated 29.06.2013 received from Deputy Secretary, P& RD Department to the petitioner which stated that the information sought for could not be provided under section 8 (1) (j) of the RTI Act, 2005.

It also appears that the petitioner had filed the First Appeal dated 09.08.2013 before the Secretary, PHE which was forwarded by the PIO and SDO (C) to the Secretary, PHE on 13.09.2013. It is also seen from the records that the Secretary P&RD directed the petitioner to attend a discussion on the Appeal Petition dated 14.08.2013. The Secretary, P & RD and the First Appellate Authority heard the petitioner and passed an order that Sri Nirmal Ch. Nath, A.P.O, Technical had already completed his deputation period of 5 years in DRDA, Goalpara, hence the petition. He instructed to furnish the information to the petitioner within 1 month. However, no Appeal Petition addressed to P & RD was available on record.

The Deputy Secretary, P &RD vide letter dated 18.09.2013 informed the petitioner that intimation has not sent yet been sent to his parent department, however, the matter has been processed for reverting Sri Nirmal Ch. Nath, A.P.O, Technical to his parent department.

It also appears that the petitioner had filed the Second Appeal before the Commissioner, PHE on 24.10.2013 in the office of the SPIO, SDO (Civil), North Salmara who in turn forwarded the same to the Commissioner & Secretary, Govt. of Assam, PHE Department. The Under Secretary to Govt. of Assam cum SPIO, PHE, Department in his Written Statement dated

08.03.2016 has informed that the original file related to deputation of Sri Nirmal Ch. Nath, Assistant Engineer, PHE could not be traced in their office. They had requested P & RD Department to provide the copy of the deputation letter of Sri Nirmal Ch. Nath to PHE Department, reply to which is still awaited. They have however enclosed relevant documents available in the Department.

In view of the facts stated above and in the absence of the appellant in today's hearing, the Commission could not determine as to whether he had received the information he had sought for subsequent to the Second Appeal dated 27.12.2013. The Commission hereby directs that the SPIO, PHE Department shall furnish the information within 21 days from the date of receipt of the order vide register post.

With this, the Second Appeal Petition is disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/ BNG.23/2014/ -A

Dtd. 18.03.2016

Copy to:

1. The SPIO, Office of the Public Health Engineering Department, Govt. of Assam, Dispur, Guwahati, Pin- 781006 for information.
2. The First Appellate Authority/Commissioner & Secretary, Public Health Engineering Department, Govt. of Assam, Dispur, Guwahati, Pin- 781006 for information.
3. Md. Mohibul Hoque, Ward no. IV, PO- Abhayapuri, Dist- Bongaigaon, Assam, Pin- 783384 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission