



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

Case No. : KP(M).118/2013
Complainant/ appellant : Smti. Purabi Kotoky
Respondent : Director of Health Services, Assam
Date of hearing : 24. 2.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

24.2.2016

The petitioner Smti Purabi Kotoky is present. She is accompanied by her Advocate Shri S.P. Sarma and the petitioner's daughter Smt. Pragyashree Kotoky. The Public Authority is represented by Dr. N. Lalsin, Addl. Director of Health Services (Hills), in the office of the DHS, Assam accompanied by Shri Gopesh Thakuria, Sr. Assistant of the office of the DHS, Assam. The Second Appeal petition dtd 27.12.12 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner Smti Purabi Kotoky filed an RTI petition on 21.4.12 before the Director of Health Services, Assam seeking information on action taken on letter No. ST/2002-2003/230-32 dtd 28.5.03 from the Deputy Commission, Sivasagar addressed to the DHS, Assam in connection with the reimbursement of medical bill amounting to Rs. 62,605.00 incurred for treatment of Late M.C. Kotoky, who was husband of the petitioner. This was followed by a First Appeal petition dtd 29.10.12 submitted before the DHS, Assam and Second Appeal petition dtd 27.12.12 before this Commission.

From the deposition of the petitioner and perusal of the case records it is seen that the concerned Public Authority has not so far taken any action on the RTI petition dtd 21.4.12 or on the First Appeal petition dtd 29.10.12.

Dr. N. Lalsin, Addl. DHS (Hills) submitted that the original RTI petition could not be traced out in his office. The petitioner produced a copy of postal receipt dtd 29.10.12 by which the First Appeal petition was sent to the DHS, Assam.

This Commission is, therefore, of the view that the office of the DHS cannot take the plea of not having received or being unaware of the RTI petition of the petitioner. Their failure to respond to the RTI petition as well as the First Appeal petition is, therefore, obviously a lapse on their part.

This Commission therefore, directs the Director of Health Services, Assam to file a written submission giving the names of the SPIOs of the Directorate of Health Services from 21.4.12 till date. This Commission also directs the Directorate of Health Services to instruct all those SPIOs to file written statement, as to why penalty u/s 20 (1) of the RTI Act shall not be imposed on them for their failure to act as per provisions of the RTI Act with the stipulation that the written submission are to reach this Commission on or before 18.3.16. This Commission also directs the DHS to cause an inquiry with regard to the RTI petition dtd 21.4.12 and the First Appeal petition dtd 29.10.12 which were stated to be untraceable by the representative of the DHS today and fix responsibility.

Going back to the original RTI petition, this Commission directs the petitioner to furnish copies of all relevant records that may be available with her regarding medical reimbursement claim to the Directorate of Health Services within 7 days from the date of receipt of this order and the Directorate of health Services is directed to take a final decision on the medical reimbursement claim within 30 days from the date of receipt of documents to be furnished by the petitioner.

Fix 18.3.16 at 12.30 PM for the next date of hearing.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. KP(M).118/2013/

Dtd. 24.2.2016

Copy to:

1. The SPIO in the office of the Director of Health Services, Govt. of Assam, Hengrabari, Guwahati-5 for information and necessary action.
2. Smti. Purabi Kotoky, Raja Moidum, Kanak Lata Borkowari Path, Jorhat, Dist. Jorhat, Assam, Jorhat- 1 for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

Registrar
Assam Information Commission