



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

Case No. : KP(M).13 /2013
Complainant/ appellant : Shri Harinarayan Pathak
Respondent : Judicial Department, Govt. of Assam
Date of hearing : 4.4.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
4.4.2016

The petitioner/appellant Shri Harinarayan Pathak is absent. However, he informed the Registry of this Commission telephonically that he is unable to attend the hearing today due to his illness. The Public Authority is represented by Shri Piyali. Kalita, Joint L.R. & Joint Secretary and SPIO of the Judicial Department, Govt. of Assam accompanied by Shri Munindra Goswami, Junior Administrative Assistant of the Judicial Department.

The L.R. & Secretary, Judicial Department Govt. of Assam has sent a written submission dtd 4.4.16 which is entered into the case records. The SPIO & Jt. LR has sent a separate submission dtd 4.4.16, which is also entered into the case records. It has been stated in the written submissions that the RTI petition dtd.29.6.12 filed by Shri Harinarayan Pathak was received in the Judicial Department on 4.7.12. However, the Sr. Administrative Assistant to whom the RTI petition was given for taking necessary action was meanwhile transferred without replacement. Thereafter there was no action taken on the RTI application till the Department received notice dtd 18.3.16 from this Commission. On receipt of the notice mentioned above, the SPIO & Jt. LR has furnished the sought for information to the petitioner vide letter No. JDJ.376/2013/12 dtd 2.4.16. The petitioner has been furnished with copy of Judicial Department's notification dtd 21.7.11 together with subsequent corrigendum dtd 12.9.11 in relation to Shri Devajit Saikia, Addl. Advocate General, Assam. It has also been mentioned that the gazette notification was not received by the Judicial Department, hence it is not a part of record available with them.

As regards the Cabinet decision relating to appointment of Shri Devajit Saikia, the petitioner has been informed that the Addl. Advocate General is appointed with the approval of Hon'ble Law Minister and Hon'ble Chief Minister. Therefore, the question of Cabinet approval does not arise. But the SPIO & Jt. LR has also furnished copies of relevant file note sheets relating to appointment of Shri Devajit Saikia, Addl. Advocate General.

This Commission is satisfied that the information furnished to the petitioner on this point is sufficient.

As regards the third point of the RTI applicant, the SPIO & Jt. LR has furnished the names of the First Appellate Authority & SPIO of the Judicial Department at the time of filing of the RTI petition by the petitioner.

In view of the above, the Commission condones the delay in furnishing the information to the petitioner taking into account the circumstances narrated by the SPIO & Jt. LR.

This Commission is also of the view that vide his letter dtd 2.4.16, the SPIO & Jt. LR has fully furnished the information sought for by the petitioner. Hence the Second Appeal petition dtd 4.2.13 is disposed of by the above order.

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

Authenticated true copy.

Registrar
Assam Information Commission

Memo No. SIC/ KP(M).13/2013/

Dtd. 4.4.2016

Copy to:

1. The SPIO & Joint L.R., Judicial Department, Govt. of Assam, Dispur, Guwahati-6 for information.
2. Shri Harinarayan Pathak, Padumpukuri, Uzanbazar, Guwahati-1 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Registrar
Assam Information Commission