



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

Case No. : SIC/CRG.08/2013
Complainant : Sri Amiya Sarma
Respondent : The SPIO, O/o the Circle Officer, Dispur Revenue Circle
Date of hearing : 24.05.2016
Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
24.05.2016

The petitioner Sri Amiya Sarma is present.

The SPIO, Circle Officer, Dispur Revenue Circle is absent without any intimation.

In view of large number of cases pending before the Commission, the matter is taken up for consideration *ex parte*.

On perusal of case record, it appears that Sri Amiya Sarma had filed an RTI petition dated 21.08.2012. Due to non receipt of information, he filed the First Appeal before the Deputy Commissioner, Kamrup (M) on 15.10.2012 and the First Appellate Authority (FAA) vide order dated 26.12.2012 directed the Circle Officer, Dispur Revenue Circle to provide the required information to the petitioner within 15 days from the date of receipt of the order. The petitioner on 29.08.2013 filed a reminder to the FAA stating that his order dated 26.12.2012 had not been complied with by the Circle Officer, Dispur Revenue Circle, Sri Tankeshwar Das. Action taken if any by the Deputy Commissioner, Kamrup (M) was not available on record.

During the hearing, the petitioner showed a letter of the Circle Officer dated 12.09.2013 wherein he had been informed the petitioner, that the case record related to case no. 965 of 2011-2012 could not be traced out and the information would be furnished as soon as the same is found, with a copy marked to the Deputy Commissioner, Kamrup (M).

The petitioner filed a Second Appeal petition before the Commission on 20.11.2013 and the Commission observes that the Second Appeal was submitted after Nine and half months without any prayer for condonation of delay and as such time barred. However, considering the facts stated, the Commission in its order dated 18.01.2014 also directed the Circle Officer, Dispur Revenue Circle to furnish the information to the appellant. It appears that the petitioner had issued a reminder to the Circle Officer vide letter dated 20.03.2014.

On 03.04.2014 the petitioner Sri Amiya Sarma filed an appeal before the Commission to take suitable action against the concerned officer for non-compliance of order dated 18.01.2014 passed by the Commission. Hearing was fixed by the Commission on 26.04.2016. As the petitioner informed that he was pre-occupied with official work and the SPIO concerned was also not present, the Commission fixed hearing on 24.05.2016.

The petitioner during the hearing submitted a copy of the letter no. 19/2015/RTI/2796 dated 11.05.2015 from the Circle Office, Dispur Revenue Circle addressed to him which was received by him on 23.05.2016, wherein it was stated that records could not be traced and the petitioner was requested to file a fresh petition which would be dealt with on priority basis.

The Commission observes that the SPIO, Office of the Circle Officer, Dispur Revenue Circle since 2013 had stated that the records could not be traced. The SPIO was not present for hearing on 18.01.2014, 26.04.2016 as well as today i.e. 24.05.2016 without any intimation,

whereas a letter has been issued to the petitioner dated 11.05.2015(referred to above) with reference to the hearing fixed on 24.05.2016.

In view of the facts and circumstances stated above, the Commission directs the followings:

- i. The SPIO, office of the Circle Officer, Dispur Revenue Circle shall submit an action taken report on the order dated 18.01.2014, within 21 days from the date of receipt of this order;
- ii. The SPIO, office of the Circle Officer, Dispur Revenue Circle shall also submit a written explanation to the Commission, within 21 days from the date of receipt of this order, as to why without any reasonable cause he/she has persistently failed to appear before the Commission;
- iii. The SPIO, office of the Circle Officer, Dispur Revenue Circle shall also submit a written explanation as to why penalty shall not be imposed on him/her under Section 20 (1) of the RTI Act, 2005 for failure to furnish the information to the appellant within the stipulated time, within 21 days from the date of receipt of this order.

Fix on 21.06.2016 for hearing.

Sd/-

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

Authenticated true copy

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/CRG.08/2013/ 26-A

Dtd. 24.05.2016

Copy to:

1. The SPIO, Office of the Deputy Commissioner, Kamrup (Metro), Panbazar, Guwahati-781001 for information.
2. The SPIO, Office of the Circle Officer, Dispur Revenue Circle, Basistha Chariali, Guwahati-781029 for information and necessary action.
3. Sri Amiya Sarma, S/o Late Kashi Nath Sarma, Qtr. No.651/C, BGR Township, PO- Dhaligaon, Dist- Chirang, Assam, Pin-783385 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission