



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

Case No. : SIC/TSK.23/2016
Appellant : Sri Dhrubajit Baruah
Respondent : The SPIO, O/o the Water Resource Department, Govt. of Assam
Date of hearing : 25.05.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
25.05.2016

The petitioner Sri Dhrubjit Baruah is absent. The notice for hearing issued has been returned as “not known”.

The Public Authority is represented by Sri P.P Changkakati, Secretary, Water Resource Department, Sri D. Bhattacharjee, Dy Secretary, Water Resources Department assisted by Sri K.C. Das, Sr. A.A.

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

On perusal of the record, it appears that the RTI petition was filed before the PIO, Water Resource Department, Assam by Sri Dhrubajit Baruah on 02.01.2015 informing that he was suspended from service due to criminal case against him at Tinsukia Court. Later he was declared innocent and had deposited all the relevant documents along with judgment copy of the Hon’ble High Court in the office of the Chief Engineer, Guwahati. The aforesaid documents were sent to the Secretary, Water Resource on 30.09.2015 vide file no. CEWR(LC)107/2013/3. He stated that he had received an RTI reply on 12.03.2014 that the file had been endorsed to judicial department. He wanted to know the subsequent steps taken by the Water Resource Department and how many days will it take to complete the whole process and enable him to rejoin his service. He also noted that his economic conditions are very poor and it was a matter of livelihood of his family.

The Deputy Secretary & SPIO, Water Resource Department has submitted a written statement dated 25.05.2016 that Sri Dhrubajit Baruah had filed an RTI application on 18.11.2013 and 14.02.2014 to the PIO, Water Resource Department regarding the status of file no. 3/WR(LC)107/2013/3 dated 30.09.2013 and the Deputy Secretary, Water Resource Department vide letter dated 12.03.2014 informed that the concerned file had been endorsed to judicial department for their views. The petitioner sent reminders on 06.04.2014 and 02.01.2015 and filed the First Appeal to the Secretary, Water Resource Department on 28.02.2015. The department vide letter dated 22.05.2014, 09.01.2015 and 25.05.2015 informed the same status that file was pending with the Judicial Department and the department was not in a position to submit reply as to when the process would be completed.

On careful perusal of the documents, it appears that the file had been pending in judicial department since the report of Deputy Secretary, Water Resource Department on 12.03.2014. The Commission observes that there has been considerable delay in furnishing information as the information is not available with the Water Resource Department. The concerned official of the Judicial Department who is holding the information is considered as deemed PIO under Section 5 (4) and 5 (5) of the RTI Act, 2005 and he is directed to furnish the views of Judicial

Department to Water Resource Department within 15 days from the date of receipt of this order, who in turn will furnish the required information to the petitioner within 7 days thereafter.

With the above direction, the Second Appeal petition dated 23.04.2015 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/TSK.23/2016/36 -A

Dtd. 25.05.2016

Copy to:

1. The SPIO, Office of the Water Resource Department, Dispur, Govt. of Assam, Guwahati-781006 for information and necessary action.
2. The SPIO, Office of the Judicial Department, Govt. of Assam for information and necessary action.
3. Sri Dhrubjit Baruah, S/o Late Nareshwar Baruah, C/o Sri Dulal Chandra Gogoi, Vill- Dholla Laphonkola Gaon, PO- Saikhowaghat, Dist- Tinsukia, Assam, Pin-786154 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission