

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

Case No. : SIC/JRT.34/2016  
Complainant : Sri Robi Kishore Dutta  
Respondent : The SPIO, O/o the Joint Director, Health Services, Jorhat  
Date of hearing : 15.06.2016  
Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
15.06.2016

The petitioner Sri Robi Kishore Dutta is present.

The Public Authority is absent but has submitted a written statement dated 13.06.2016 that reply had already been sent to Sri Robi Kishore Dutta vide letter dated 11.02.2016 and the contents had been reproduced in the written statement furnished.

The petitioner present stated that Sri Sishu Ram Dutta, his father has retired from service in March, 2014 and even after 18 months of retirement he did not received the DA arrear from the year 1998-2005 amounting to Rs.39, 901/- as well as revised arrear as per the Fifth Pay Commission. He has also stated that house rent from Government accommodation was to be deducted till March 2011, as the petitioner's father had vacated the quarter since March 2011. The authority however had been deducting house rent even after the vacation of the quarter.

On perusal of the written statement furnished by the Joint Director, Health Services, Jorhat, it appears that due to unavailability of budget, the arrear pay could not be released and the Director, Health Services, Assam was requested to release additional budget for the said purpose. The SPIO in his written statement has also mentioned that total amount of house rent is Rs.31, 237/- but he has not specified whether the said amount is excess deduction of house rent from the petitioner's father and if so what is the status of reimbursement of the said amount to the aggrieved person.

The Commission observes that arrear could not be made available for more than two years after the retirement of the petitioner's father due to non availability of budget. Besides excess house rent, if deducted, has not been reimbursed. The Director of Health Services, Assam being the controlling authority is considered as deemed PIO under Section 5 (4) and 5 (5) of the RTI Act, 2005. The Commission directs the Director, Health Services, Govt. of Assam, Hengrabari shall submit status of release of payment to the petitioner within 15 days from the date of receipt of this order.

With the above direction, the Complaint petition dated 28.10.2015 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/JRT.34/2016/ 11 -A

Dtd. 15.06.2016

Copy to:

1. The SPIO, office of the Joint Director, Health Services, Jorhat, Assam, Pin-785001 for information and necessary action.
2. The SPIO, office of the Director, Health Services, Hengrabari, Guwahati, Assam for information and necessary action.
3. Sri Robi Kishore Dutta, S/o Sri Sishu Ram Dutta, Near Nagajanka CHC Campus, Garmur, Nagajanka, Jorhat, Assam, Pin-785634 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar  
Assam Information Commission