

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

Case No. : KP(M).435 /2014
Complainant/ Appellant : Shri Gobinda Rajbongshi
Respondent : Soil Conservation Department, Govt. of Assam
Date of hearing : 22.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

22.6.2016

The petitioner Shri Gobinda Rajbongshi is present, accompanied by one Shri Satyajit Sen. The Public Authority is represented by:- (1) Shri Gurdip Singh Panesar, ACS, Joint Secretary of Soil Conservation Department, Govt. of Assam and (2) Shri Tilak Kumar Kalita, Under Secretary, Soil Conservation Department, Govt. of Assam. The Second Appeal petition dtd 12.5.14 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that Shri Gobinda Rajbongshi, the petitioner, filed an RTI petition dtd 7.3.14 before the Deputy Secretary to the Govt. of Assam, Soil conservation Department seeking information about the action taken on representation No. DEA/2013/40 dtd 22.4.13.

It is seen from the RTI petition that the above mentioned representation was a request for merger of the Assam Plantation Crops Development Corporation Ltd. (APCDCL) with the Directorate of Soil Conservation, Assam

The SPIO of Soil Conservation Deptt. has submitted a written statement dtd 21.6.16, which is entered into the case records. In his written Statement, the SPIO has stated that the issue of merger of the APCDCL with the Directorate of Soil Conservation has to be examined first by the Board of Directors of APCDCL. The decision of the Board of Directors of the APCDCL's meeting held on 18.6.14 was already handed over to Shri Gobinda Rajbongshi vide Soil conservation Department's letter dtd 25.7.14. Thereafter the petitioner made 10 separate correspondence with the Government, which was replied by equal number of letters by the Soil Conservation Department. Subsequently, the petitioner vide his letter No. DEA/2014/73 dtd 15.10.14 contended that the Board did not discuss the issue of merger and adopted any resolution for providing VRS. The SPIO of Soil Conservation Deptt. disposed of the matter vide order dtd 20.10.14 informing the petitioner that the petitioneors request for issuing direction to Managing Director, APCDCL compelling to take action on the representation filed by the RTI applicant is not an authorized activity prescribed by the RTI Act.

From the above facts and circumstances of the case, it appears that the action taken report has already been made available to the petitioner. The position in this

case being that the State Govt. is not in receipt of any proposal from the concerned authority i.e. Board of Directors of the APCDCL to act upon.

The repeated attempts of the petitioner to use the RTI Act to try to make the State Govt. to take a decision for merger of APCDCL with the Directorate of Soil Conservation and the multiple numbers of correspondence by him with the Govt. amounts to vexatious use of the RTI Act. The petitioner is cautioned to refrain from such misuse of the RTI Act in future.

The Commission, however, notes that the APCDCL is passing through acute financial crisis and many of its employees are not being paid their salary for months on. The petitioner, being the General Secretary of an employees' association of APCDCL, seems to have a legitimate grievance, redressal of which is not within the jurisdiction of this Commission. The petitioner is free to approach the appropriate authority for that purpose.

With the above order, the Second Appeal petition dtd 12.5.14 is disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ KP(M).435/2014/63-A

Dtd. 22.6.2016

Copy to:

1. The SPIO of the office of the Soil Conservation Department, Govt. of Assam, Dispur, Guwahati-6 for information.
2. Shri Gobinda Rajbongshi, General Secretary, Devcrop Employees Association, C/o- Assam Plantation Crops Dev. Corporation Ltd., Lakhara, Guwahati-34 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission