



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

Case No. : SIC/KAN.60/2016
Appellant : Shri Indra Rongphar.
Respondent : The SPIO, O/o the Chief Engineer, P.W.D. (R), Govt. of Assam,
Chandmari
Date of hearing : 13.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R

13.07.2016

The petitioner Shri Indra Rongphar is absent but has informed that he had not received the information sought for vide his RTI petition dated 23.12.2013 from the SPIO, office of the Chief Engineer, P.W.D. (R), Assam, Chandmari.

The Public Authority is represented by Sri Ajit Kr. Borah, S.E. (P), office of the Chief Engineer, PWD (R), Assam and Sri Shashi Mohan Nath, E.E., P.W.D. Nagaon Rural Roads Division.

The Executive Engineer, P.W.D., Rural Road Division, Nagaon present stated that he neither received the RTI petition transferred by the Chief Engineer, P.W.D. (Roads) nor the First Appeal petition. He however, stated that the matter was informed by the Chief Engineer, P.W.D.(Roads) on 12.07.2016 evening and thereafter, he enquired into the matter in his office and he was informed that the information sought for was related to Nagaon State Road Development and not Nagaon Rural Road Division.,

The PIO & S.E. (P), Office of the Chief Engineer, P.W.D., Chandmari submitted a written statement dated 12.07.2016. On perusal of the written statement, it appears that the RTI petition of Sri Indra Rongphar dated 23.12.2013 was transferred to the Executive Engineer, P.W.D., Nagaon Rural Roads Division vide letter dated 01.01.2014 and First Appeal Petition dated 10.02.2014 was also transferred to the Executive Engineer, P.W.D., Rural Road Division, Nagaon vide letter dated 20.02.2014.

In view of the position stated above, it appears that the matter had been pending with the Nagaon State Roads Department. The SPIO, office of the Nagaon State Road Department who is holding the information is considered as deemed PIO under section 5 (4) and 5 (5) of the RTI Act, 2005. He is directed to furnish the information within 15 days to the Nagaon Rural Roads Division, who in turn will furnish the information to the petitioner within 7 days thereafter.

The Commission also observes that the First Appeal filed by the petitioner before the Chief Engineer, P.W.D. (R), Assam was not heard by the First Appellate Authority. The Commission therefore remands the matter to the First Appellate Authority i.e. Chief Engineer, P.W.D. Roads, Assam for hearing and disposal of the First Appeal dated 10.02.2014 with a speaking order, within 30 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 17.04.2014 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/ KAN.60/2016/ 18 -A

Dtd. 13.07.2016

Copy to:

1. The SPIO, office of the Nagaon Rural Roads Division, Nagaon, Assam for information and necessary action.
2. The SPIO, office of the Nagaon State Roads Department, Nagaon, Assam for information and necessary action.
3. The SPIO, office of the Chief Engineer, P.W.D. (Roads), Govt. of Assam, Chandmari, Guwahati-781003 for information.
4. The First Appellate Authority/Chief Engineer, P.W.D. (Roads), Govt. of Assam, Chandmari, Guwahati- 781003 for information and necessary action.
5. Shri Indra Rongphar, Vill- Chirimokam, P.O.- Donkamokam, Dist- Karbi Anglong, Assam, Pin-782485 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Deputy Registrar
Assam Information Commission