



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

Case No. : SIC/UDR.1/2016
Complainant : Smt. Jetuki Devi
Respondent : The SPIO, O/o the Deputy Commissioner, Udalguri
Date of hearing : 11.07.2016
Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
11.07.2016

The petitioner Smt. Jetuki Devi is present. She has been accompanied by Sri Tilak Deka, her relative.

The Public Authority is represented by Sri Bhupen Saikia, Asstt. Executive Engineer, O/o the PHE, Udalguri, Sub-Division accompanied by Sri Nila Kanta Deka, the then Head Asstt. (Retd), O/o the Executive Engineer (PHE), Tangla Division.

The Executive Engineer (PHE) Tangla Division has submitted a written statement dated 30.06.2016 that the RTI application submitted by Smt. Jetuki Devi dated 09.01.2013 was forwarded to Principal Secretary, BTC on 09.01.2013 which was returned by the BTC secretariat to place the same when selection meeting for compassionate appointment would be held. He also stated in the written statement that the application of Smt. Jetuki Devi W/o Late Kushal Ch. Nath had been submitted to the office of the D.C. Udalguri vide their letter dated 14.08.2013 at the time of attending the said meeting on 20.08.2013 and that he was not aware of the findings/knowledge regarding submission of application at the office of Principal Secretary, BTC, Kokrajhar or D.C. Udalguri.

The A.D.C. and SPIO, office of the D.C. Udalguri has submitted a written statement dated 27.06.2016 that no letter dated 14.08.2013 from the PHE, Tangla Division was received by the office of the D.C. Udalguri as per their office records. Further, since PHE has transferred the subject to BTC, Kokrajhar and the D.C. Udalguri has no role/power to convene D.L.C meeting on compassionate ground. He also requested the Executive Engineer, PHE, Tangla to locate the letter and take necessary action as per direction of the Commission with intimation to D.C. Udalguri.

Sri Nila Kanta Deka, Head Asstt. (Retd.) present for the hearing today however stated that the proposal was submitted on the day of the selection meeting on compassionate meeting and hence no receipt was obtained from the D.C.'s office. He also stated that after two months of the Selection meeting held in the D.C. Udalguri, office of the BTC over telephone had sought for information whether Sri Kushal Ch. Nath was a permanent or temporary employee of the PHE department. He informed over telephone that he was a Section Asstt. in a Personal Post and he was absorbed from work charged employee to regular employee.

In view of the facts and circumstances stated above, it appears that the RTI petition dated 19.02.2015 and First Appeal petition submitted to the D.C. Udalguri should have been transferred to the Secretary, BTC. The Executive Engineer, PHE, Tangla Division should have also taken up the matter with BTC regarding follow up action on the petition which was forwarded to BTC, Kokrajhar on 09.01.2013.

The Commission observes that there has been considerable delay in furnishing the information, as the information is not available with the D.C. Udalguri. The concerned official of the BTC and official of the Executive Engineer Tangla who is holding the information is considered as the deemed PIO under Section 5 (4) and 5(5) of the RTI Act, 2005 and is directed

to furnish the information to the D.C. Udalguri 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 orders, the petition dated 28.11.2015 is disposed of. The Petitioner will be at liberty to move this Commission with Appeal or Complaint petition as the case may be, if she is not satisfied with the information furnished by the SPIO or due to non-disposal of her First Appeal.

Sd/-

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

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/ UDR.1/2016/ 57 -A
to:

Dtd. 11.07.2016 Copy

1. The SPIO, Office of the Deputy Commissioner, Udalguri, BTAD, Assam, Pin-784509 for information.
2. The First Appellate Authority/Deputy Commissioner, Udalguri, BTAD, Assam, Pin-784509 for information.
3. Smt. Jetuki Devi, W/o Late Kushal Ch Nath, Vill- Pub-Jangalpara, PO- Tangla, Dist- Udalguri, Assam, Pin-784521 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission