

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

Case No. : **KP(M).518/2016**

Complainant/ appellant : **Shri Bhasco De Saikia**

Respondent : **Personnel (A) Department**

Date of hearing : **05-9-2016**

Complaint/ Second
appeal heard by : **Shri H. S. DAS, IAS(Retd)
State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Bhasco De. Saikia is present. The public authority is represented by :- Sri Ikramul Hussain, SPIO and Joint Saikia, Personnel Department.

The complaint petition dated 12-5-2015 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 29-8-2014 before the SPIO of Political (A) Department, Govt. of Assam. The Political Department transferred the RTI petition to Personnel Department on 3rd September, 2014. . On 29th September, 2015 the SPIO and Joint Secretary of Personnel Department informed the petitioner by a letter that the matter was pending with the Supreme Court and therefore, the sought for information could not be divulged under Section 8(1)(h) of the RTI Act, 2015.

This was followed by a first appeal petition dated 4-2-2015. The Joint Secretary of Personnel Department had deposed by way of a written statement dated 1st September, 2016 that a hearing was fixed on the first appeal petition on 16-5-2015. The petitioner was absent at the time of the hearing of the first appeal petition.

The petitioner stated that he did not receive any communication from the Personnel Department requiring his presence at the time of the hearing of the first appeal petition.

The petitioner has today submitted a written prayer stating that he is still interested in getting the sought for information and prayed for conversion of his complaint petition dated 12-5-2015 into a second appeal petition. His prayer is granted.

By his RTI petition dated 29-8-2014 the petitioner wanted the following information :-

- (A) Certified copy of Personnel Department's order No. AAP.196/2007/158 dated 12-12.2008; and*
(B) He wanted to inspect the files and other related documents regarding prosecution against IAS and ACS Officers in the Green House scam, which included copies of selected documents.

The SPIO and Joint Secretary of Personnel Department deposed that the Departmental Proceedings have since been concluded except one.

This Commission, therefore, directs the SPIO of Personnel Department to :- (a) furnish the required information as at (A) above, and (b) to allow the petitioner to inspect all relevant records and documents, within office hours on any working day within 15 days from the date of receipt of this order and to allow him to take notes and photo copies of relevant documents free of cost up to 20 pages and thereafter on payment of Rs. 2/- for every additional page of photo copy.

If any sought for admissible information is not available with the Personnel Department the SPIO of Personnel Department will then guide the petitioner about the appropriate public authority with whom such information will be available.

With the above order the converted second appeal petition dated 12-5-2015 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)518/2016/16-A

Dated.05-09-2016

Copy to:

1. Sri Ikramul Hussain, SPIO and Joint Saikia, Personnel Department, Dispur, Guwahati -6 for information and necessary action as ordered above.
2. Sri Bhasco De. Saikia, C/O Sri Dimpuyoti Gogoi, Postal Assistant, Meghdoot Bhawan,Guwahati-781 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**