

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

Case No. : **KP(M) 519/16**

Complainant/ appellant : **Sri Joydeb Das**

Respondent : **Chief Engineer, Irrigation Department**

Date of hearing : **07-9-2016**

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

O R D E R

The petitioner Sri Joydeb Das is present. The public authority is represented by :- (1).Sri Dhiraj Saikia, SPIO of the Office of the Chief Engineer, Irrigation Department, Chandmari, Guwahati-3 (2) Sri Mrigen Boro, Superintending Engineer, and Appellate Authority of the office of Chief Engineer, Irrigation Department, (3) Md. Baktar Uddin Laskar, Executive Engineer, and PIO, Guwahati West Division (I), Guwahati-8 (4) Sri Prasanta Gogoi, Asstt. Executive Engineer (T.C) and Director , Design (I) of the same office, and (5) Sri Prasanta Raj Sarmah Kandeli, Jr. Engineer , Irrigation, Guwahati West Division (I).

The complaint petition dated 27-5-2016 with reference to the RTI petition dated 28-9-2015 relating to Kopili Irrigation Scheme in Guwahat West (NEC) is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the RTI petition addressed to the PIO of Irrigation Department, Govt. of Assam was transferred to the Chief Engineer, Irrigation, with information to the petitioner dated 5th October, 2015. The Additional Chief Engineer and SPIO of the office of the Chief Engineer, Irrigation, Assam has submitted a written statement dated 6-9-2016 , which is entered into the case records. Although the written submission has enclosed an Action Taken Report given by the Chief Engineer with reference to the first appeal petition dated 7-12-2015, the ATR does not mention anything about any action taken by the Chief Engineer on the RTI application which was transferred to him by the Irrigation Department, Govt. of Assam. The SPIO and Superintending Engineer, Irrigation Department stated that he came to know about the RTI petition and the first appeal petition dated 7-12-2015 after receipt of the notice dated 26-8-2016 from this Commission.

It, therefore, appears that the RTI petition which was transferred by the Irrigation Department to the Chief Engineer , Irrigation was either mis-placed or remained unattended to.

This Commission, therefore, directs the Chief Engineer, Irrigation to be more careful in future in dealing with RTI matters.

In his written submission the SPIO and Additional Chief Engineer has stated that the petitioner was requested for his presence at the time of hearing of his first appeal petition by the first appellate authority i.e., the Superintending Engineer, Irrigation, Guwahati Project Circle on 2nd September, 2016. The petitioner submitted that he did not attend the hearing since in the meanwhile he had received the notice from this Commission on 7th September, 2016 for hearing of his complaint petition dated 27-5-2016

This Commission is of the view that the main objective of the RTI Act is to provide information to the information seekers. There is, therefore, no harm , if the petitioner receives the required information from the concerned public authority without prejudice to his/ her pending complaint or 2nd appeal petition before this Commission. The petitioner, may , however, inform this Commission, on the date of or before hearing the complaint or the 2nd appeal petition, if the information received by him is to his

satisfaction or not, so that the Assam Information Commission can take further action accordingly.

The SPIO has further stated that all the required information have in the meanwhile been compiled for furnishing to the petitioner. The petitioner has also given a written prayer for conversion of his complaint petition dated 27-5-2016 into a second appeal petition, since he is still interested in getting the information. His prayer is granted.

This Commission, therefore, directs the SPIO and Superintending Engineer, Guwahati Project Circle, Irrigation Department, to furnish the required information to the petitioner free of cost **within 7 days** from the date of receipt of this order.

With the above order the converted second appeal petition dated 27-5-2016 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)/519/2016/24-A

Dated.07-09-2016

Copy to:

1. Sri Dhiraj Saikia, SPIO of the Office of the Chief Engineer, Irrigation Department, Chandmari, Guwahati-3 , for information and necessary action, as ordered above.
2. Sri Joydeb Das S/O Late Karunamoy Das, House No-16. Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil , Guwahati- 781 025 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**