

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

Case No. : **KP(M) 417/2016**

Complainant/ appellant : **Sri Dilip Kr. Mahajan**

Respondent : **District Election Officer, Kamrup Metropolitan Election Dist.**

Date of hearing : **10-8-2016**

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

O R D E R

The petitioner Sri Dilip Kr. Mahajan is present. The public authority to be represented by the SPIO of the District Election Officer, Kamrup (Metropolitan) District , Guwahati is absent without any information.

The second appeal petition dated 13-5-2014 is taken up for consideration ex-parte in the absence of the public authority.

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 26-11-2013 before the SPIO of the office of the Deputy Commissioner, wherein he mentioned that the Chief Election Officer, Assam vide letter No. ELE. 179/2011/(MCC)/28 dated 6-5-2011 had forwarded a complaint petition dated 3-5-2011 to the Deputy Commissioner, Kamrup (Metropolitan) District to conduct an inquiry and to submit a report to the CEO on or before 9-5-2011 for onward submission to the Election Commission of India. The Election Officer and PIO of the Office of the District Election Officer, Kamrup (Metropolitan) District informed the petitioner vide letter dated 2-1-2014 that the information of related records are not available in the office.

Being dissatisfied with the reply of the SPIO the petitioner filed a First Appeal Petition dated 12-2-2014 before the Deputy Commissioner, Kamrup. The FAA heard the First Appeal Petition on 26-2-2014 in presence of the appellant, SPIO and ADC along with the Election Officer. The FAA, after hearing both the parties, ordered that

“the Election officer will clarify as to (1) whether there was any enquiry done or was ordered by the then DEO (2) then if so, who enquired into the matter and then (3) if enquiry was done, where was that report. Accordingly, reply shall be prepared by the Election Officer and furnish the information to the applicant. A report also be prepared to be sent to the CEO on the matter.”

The appellant deposed that the order of the FAA has not yet been complied with by the Election Officer of Kamrup (Metropolitan) District.

This Commission, therefore, directs the Deputy Commissioner, Kamrup (Metropolitan) district to cause an inquiry into the non-compliance of his order dated 26-2-2014 , fix responsibility and initiate appropriate disciplinary action against those who are found guilty for non-compliance of the order dated 26-2-2014 of the FAA which has the force of statutory order under the RTI Act, 2005.

This Commission further directs the Deputy Commissioner, Kamrup (Metropolitan) District to ensure compliance of his order dated 26-2-2014 and inform the appellant within 30 days from the date of receipt of this order whether any report was submitted by the Deputy Commissioner, Kamrup (Metropolitan) District to the Chief Election Officer, Assam, as requested by the latter vide his letter No. ELE.179/2011/MCC/28 dated 6-5-2011,

and if the Deputy Commissioner had submitted any such report , to furnish a copy of the same to the petitioner within 30 days from the date of receipt of this order.

The Deputy Commissioner, Kamrup (Metro) should report compliance within 40 days from the date of receipt of this order.

**Sd/-
(H.S.Das)**

**State Information Commissioner, Assam
Panjabari, Guwahati**

Authenticated true copy.

**Sd/-
Registrar
Assam Information Commission**

Memo No.SIC/KP(M) KP(M) 417/2016/11-A

Dated.10-8-2016

Copy to:

1. Deputy Commissioner, Kamrup (Metropolitan) District for information and necessary action, as ordered above.
2. Sri Dilip Kr. Mahajan, Dihing Satra, North Guwahati, Guwahati-20 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**