



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

Case No. : SIC/NLB.6/2010
Appellant : Shri A. K. Rakshit
Respondent : The SPIO, office of the Commissioner, Irrigation Department,
Govt. of Assam, Dispur
Date of hearing : 02.09.2016
Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
02.09.2016

The SPIO present along with a Written Statement dated 18.08.2016 which is taken on record.

The Appellant present along with his assistant.

Perused the case record. It is seen that the Second Appeal with regard to his RTI Application dated 09.03.2009 was heard and disposed of by the Commission on 24.02.2016 with the order that although the précis answered the points raised by the Appellant in his RTI Application yet for the sake for the further clarity, the SPIO/Under Secretary of the Irrigation Department, Govt. of Assam should provide specific information to the Appellant with regard to action, if any, taken by the department on the then Executive Engineer, Nalbari Irrigation Division for any lapse on his part and for not acting on Chief Engineer, Irrigation Department letter no. CEI(E)89/93/Pt/433 dated 21.11.1995 and action taken by the department on the then Chief Secretary letter dated 13.10.1995 on the subject of retrenchment of MR workers.

The Appellant submitted a Complaint dated 06.06.2016 of non-compliance by the SPIO with the aforementioned order of the Commission.

Perused the W/S. It has been submitted that per direction of the Commission dated 24.02.2016 necessary information was collected from the Chief Engineer (I), Assam no. CEI(E) 266/2012/210 dated 17.05.2016 and furnished to the Appellant with its enclosures through letter dated IGN(E) 105/2014/Pt/45 dated 30.07.2016.

Heard the SPIO. He submitted that in compliance with the Commission's order of 24.02.2016 information has been provided based on the information received from the Chief Engineer of the Department, and according to the report of the Chief Engineer there was no lapse on the part of the Executive Engineer, Nalbari Division (I), Nalbari therefore, there was no question of taking action in this regard.

In response to the submission by the SPIO, the Appellant submitted that he was not satisfied with the information provided to him as he was of the opinion that the order of the Chief Secretary dated 13.10.1995 on the subject of retrenchment of MR workers had not been complied with. His contention was that the MR workers who were disengaged in November, 1994 were not included in the proposal to regularize submitted to the government despite the direction contained in the said Chief Secretary's letter.

After careful consideration of the facts with regard to the aforementioned order of the Commission dated 24.02.2016, the Commission determines that the SPIO has indeed provided the information based on the input received from the concerned office. A perusal of the aforementioned letter of the Chief Secretary indicates that the contention of the Appellant is not

in conformity with its content. The said letter of the Chief Secretary had directed that a proviso be added on the matter of regularization of MR workers as follows – “provided that such workers were not discharged/terminated/disengaged in 1995”. This indicates that the workers who were terminated in November, 1994 were not eligible to be regularized in terms of the said letter of the Chief Secretary and therefore as explained and informed by the SPIO, the action taken by the departmental officers was in conformity with the said direction.

In view of the facts brought out above, the Commission is of the view that the order of the Commission dated 24.02.2016 has been complied with by the SPIO and hence, the Complaint by the Appellant is hereby dismissed as having no merit.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/NLB.6/2010/ 143-A

Dtd. 02.09.2016

Copy to:

1. The SPIO, office of the Commissioner, Irrigation Department, Govt. of Assam, Dispur, Guwahati- 781006 for information and necessary action.
2. Shri A. K. Rakshit, Law Secretary, Advisory Board, A.G.S.S., Barama, , Dist- Baksa (BTAD), Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.

Deputy Registrar

Assam Information Commission