



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

Case No. : SIC/NLB.49/2016
Appellant : Shri Nava Kumar Deka
Respondent : The SPIO, O/o the Deputy Commissioner, Nalbari.
Date of hearing : 01.10.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.10.2016

The Appellant is present.

The SPIO, office of the Deputy Commissioner, Nalbari is absent. However, a Written Statement dated 22.09.2016 received from the SPIO.

Heard the Appellant. He submitted that he has neither received the information he had sought for nor any order from the First Appellant Authority/Deputy Commissioner, Nalbari in response to his First Appeal dated 18.04.2016.

Perused the case record. It is seen that the Appellant had sought information about a) actions taken on his representation dated 02.11.2015, and b) a photocopy of certain enquiry report. He had submitted his First Appeal to the Deputy Commissioner, Nalbari as he did not receive the information he had sought for. He submitted Second Appeal dated 17.06.2016 to the Commission that he did not receive any response from the First Appellate Authority.

The Appellant submitted that the enquiry report he had referred to in his RTI Application pertained to an enquiry on the allegation of tampering of file notice about which he had represented before the Deputy Commissioner, Nalbari.

Perused the Written Statement. It has been submitted that on receipt of the RTI Application, the SPIO/ADC had written a letter dated 24.02.2016 to ADC (Personal) of the same office, seeking assistance under the RTI Act, 2005 so as to be able to furnish the information to the Appellant. However, he did not receive the information. On receipt of the said First Appeal, the SPIO wrote a letter dated 30.04.2016 forwarding a copy of the First Appeal to the ADC (Personal) to provide the information to the Appellant. No information was yet received from the ADC (P). It was only after the matter was taken up again with the said office, i.e. ADC (P) after receiving the hearing notice of the Commission that ADC (P) wrote letter dated 22.09.2016 to the SPIO stating that an enquiry has been ordered to be conducted by Smti. K. Baruah, ADC(P), Nalbari, and a copy of the enquiry report would be furnished on receipt thereof from the enquiry officer. From the photocopy of the note sheet on which the decision on enquiry was made on 10.12.2015 indicates that the enquiry report was to be submitted within 15 days.

From the above, the Commission makes following observations -

- 1) The SPIO failed to furnish the information to the Applicant/Appellant within the stipulated time of 30 days.
- 2) The ADC (P) failed to provide assistance to the SPIO as mandated by the said Act in not providing information held by him to facilitate furnishing the information to the Applicant/Appellant within the stipulated time.

- 3) The First Appeal of the Appellant was not disposed of by the First Appellate Authority/Deputy Commissioner, Nalbari which he was required to do in accordance with said Act within the stipulated time. The SPIO did not take appropriate action in simply seeking information from the ADC (P) by forwarding the said First Appeal.
- 4) Smti K. Baruah ACS/ADC who, according to the Appellant, has since been transferred out of the Deputy Commissioner's office failed to submit the enquiry report within the time specified by the Deputy Commissioner, Nalbari.

From the above, it is seen that information as available has since been provided by the SPIO. However, the purpose of the Applicant/Appellant will be served only when he receives a copy of the said enquiry report.

In view of the fact brought out above, the Commission hereby orders that the Deputy Commissioner, Nalbari shall take appropriate action to have the said enquiry completed and report submitted to him without further delay.

It is further ordered that the SPIO shall furnish a copy of the said enquiry report to the Appellant as soon the said enquiry report is received from the Enquiry Officer.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/NLB.49/2016/21-A

Dated 01.10.2016.

Copy to:

1. The SPIO, office of the Deputy Commissioner, Nalbari, District – Nalbari, Assam, Pin- 781 335 for information and necessary action.
2. The First Appellate Authority/ Deputy Commissioner, Nalbari, District – Nalbari, Assam, Pin- 781 335 for information.
3. Sri Nava Kumar Deka, S/o Lt. Mani Ram Deka, Vill.& P.O.-Kazipara, District – Nalbari, Assam, Pin – 781 341 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission