



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

Case No. : SIC/KMJ.97/2016  
Appellant : Smt. Chanchala Paul.  
Respondent : The SPIO, office of the Director of Elementary Education, Assam.  
Date of hearing : 13.10.2016.  
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
13.10.2016

The Petitioner Smt. Chanchala Paul is present. She is accompanied by her husband Sri Amal Paul Choudhury.

The Public Authority to be represented by Deputy Director cum SPIO, Elementary Education, Assam is absent, but has submitted a Written Statement dated 05.10.2016 that required information as sought for by the Petitioner was provided by the concerned Account Branch Officer of the Directorate vide letter No. RTI/AC(B)-5/2015/10 dated 22.01.2016 and copy of the letter has been enclosed as Annexure-A. On perusal of the record, no Annexure is available enclosed with the Written Statement. The Petitioner present however furnished a copy of the letter dated 22.01.2016 mentioned above which was received by them and objected that the information was not furnished as sought for.

On perusal of the RTI Petition dated 15.09.2015, it appears that the Petitioner sought for reasons of non-payment of salary for the period of 27.12.2004 to 30.11.2009 in terms of proposal dated 18.08.2012 by the BEEO, Bodarpur forwarded by DEEO, Karimganj to the Director of Elementary Education for allotment of fund. She also sought for progress over the Petition dated 27.07.2015 and 17.08.2015 submitted to the Director of Elementary Education and stipulated time for payment of salary.

The Deputy Director cum SPIO, Elementary Education in his Written Statement stated that the proposal was processed during the year 2012-13, but the said arrear proposal was objected to as there was no specific reason for non-payment of salary when it was due. He also stated that the matter was processed as per letter dated 27.07.2015 and 17.08.2015, but action could not be taken as fund for payment of arrear salary was not available under the respective Head of Account during the financial year 2015-16.

The Petitioner present objected that the information furnished was incomplete. She submitted copies of Petitions dated 27.07.2015 and 17.08.2015 alongwith copy of the letter dated 11.05.2012 submitted by District Elementary Education Officer to the Director of Elementary Education, Assam. On perusal of the letter dated 11.05.2012 submitted by District Elementary Education Officer to the Director of the Elementary Education, Assam, it appears that hearing was held on 05.04.2012 in the office of the District Elementary Education Officer, Karimganj where the Block Elementary Education Officer, Bodarpur and Smti. Chanchala Paul were also present and it was mutually settled that (1) proposal for arrear payment claimed by Smti Chanchala Paul amounting to Rs.2,98,940.00 w.e.f 27.12.2004 to 30.09.2009 shall be submitted by BEEO, Bodarpur and Head Master, Bhanga M.E. School to the Director of Elementary Education for allotment of fund and (2) proposal for reconstruction of Service Book as the Service Book of the incumbent concerned could not be traced would be submitted to DEEO for permission to re-open a Service Book. It appears that proposal for reconstruction of Service Book of the Petitioner was submitted to the Director of Elementary Education by the DEEO vide letter dated 12.04.2012 and proposal for arrear salary alongwith detailed statement of arrear was

forwarded to the Director of Elementary Education for allotment of fund vide letter dated 24.08.2012.

On perusal of the case records, it is also seen that the Petitioner filed his First Appeal before the First Appellate Authority on 26.10.2015 which is yet to be heard and disposed of by the First Appellate Authority.

The Commission, therefore, remands the First Appeal Petition dated 26.10.2015 to the First Appellate Authority for disposal with a speaking order after hearing the Petitioner within 21 days from the date of receipt of this order.

With the above directions, the Second Appeal dated 23.01.2016 is disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-

Deputy Registrar  
Assam Information Commission

Memo No. SIC/KMJ.97/2016/24-A

Dtd.13.10.2016

Copy to:

1. The SPIO, office of the Director of Elementary Education, Assam, Kahilipara, Guwahati-781 019 for information and necessary action.
2. First Appellate Authority/Director of Elementary Education, Assam, Kahilipara, Guwahati-781 019 for information and necessary action.
3. Smt.Chanchala Paul, Vill. – Srigouri, P.O. – Srigouri, Near Srigour Bazar, District-Karimganj Assam, Pin – 788 806 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission