



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

Case No. : SIC/NGN.98/2016
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the CDPO, Pashim Kaliabor ICDS, Nagaon
Date of hearing : 16.11.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
16.11.2016

Smt. Subarna Saikia, CDPO, Pashim Kaliabor ICDS, Nagaon as the SPIO is present.

The Appellant, Shri Durgeswar Das is present.

The SPIO has submitted a Written Statement dated 16.11.2016.

Perused the Written Statement. An amount of Rs. 2042/- (Rupees two thousand and forty two) towards the cost of photocopying, documents had been sought for by the SPIO from the Appellant through a letter dated 24.02.2016 by registered post. A copy of the said letter was sent to him as enclosure to the copy of the letter. The SPIO's letter to the First Appellate Authority/District Social Welfare Officer, Nagaon dated 07.04.2016 with reference to First Appeal dated 21.03.2016 was copied to the Appellant but the said letter was returned by Postal Department as "addressee not found".

Heard the Appellant. He submitted that he had not received any of the communications mentioned by the SPIO. He submitted that he was still interested in the information excepting for the information on the last point i.e. no. 11.

From the submission of the SPIO and the Appellant, the Commission could not determine as to the reasons and circumstances under which the Appellant did not received the aforementioned communication from the SPIO. It is evident that the information could not be furnished for want of receipt from the Appellant the cost of the photocopying and that the SPIO had taken due action by dispatching her letters by Registered Post. She has submitted evidence of posting/dispatching in the form of Postal receipt.

In respect of the disposal of the First Appeal by the FAA/DSWO, Nagaon, the Commission observes that the FAA did not follow the procedure provided by the RTI Act, 2005. Instead of disposing of First Appeal by hearing both the Appellant and the SPIO and a speaking order, FAA merely forwarded the First Appeal to the SPIO. This has been observed by the Commission in respect of Second Appeal case no. SIC/NGN.99/2016 as well concerning the First Appeal pertaining to CDPO, Kaliabor.

Considering that the SPIO had taken due action to seek the payment of the cost of photocopying from the Appellant by communicating through Registered Post and yet a delay has occurred in the matter of access to the information by the Appellant, the Commission hereby orders that the SPIO shall give a photocopy each of her aforementioned communications to the Appellant at the end of the hearing. The Appellant shall deposit the estimated amount of Rs. 2042/- towards the cost of photocopying as soon as possible and within 15 days of receipt of the said sum, the SPIO shall furnish the information with relevant documents.

Furthermore, the FAA/DSWO, Nagaon is hereby advised to dispose of First Appeals within the time stipulated in the said Act by passing speaking orders after due hearing of the parties concerned. In the instant case had the FAA taken hearing to dispose of the First Appeal within 30 days' time, the SPIO's letters could have come to light and thus facilitated appropriate timely action.

The Second Appeal case is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-
Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.98/2016/

Dtd. 16.11.2016

Copy to:

1. The SPIO, O/o the CDPO, Pashim Kaliabor ICDS, Nagaon for information and necessary action.
2. The First Appellate Authority/District Social Welfare Officer, Nagaon for information.
3. The Appellant Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Nagaon-782 001 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission