



OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No. : (0361) 2332704, 2337900, 2331193, 2332704 :: email : secretary.sicassam@gmail.com

Complainant/ Appellant : **Sri Mohibul Haque**
Respondent : **PHE Deptt. Dispur..**
Date of Hearing : **30-11-2016**
Complaint/ Second appeal heard by : **Shri H. S. Das, IAS (Retd)**
State Chief Information Commissioner, Assam

O R D E R

The petitioner Sri Mohibul Haque is absent without information. The public authority is represented by:- (1) Sri Jogen Barua, Under Secretary, PHED and (2) Sri Jayanta Das, Sr. Administrative Assistant of the same Department.

The second appeal petition dated 30-8-2016 is taken up for hearing ex-parte in the absence of the petitioner.

From perusal of the case records, it is seen that the petitioner Sri Mohibul Haque filed an RTI petition dated 24-5-2016 before the SDO (Civil), North Salmara, District-Abhayapuri, seeking informations about the deputation for more than 5 years and other associated matters in respect of Sri Nirmal Nath, Asstt. Engineer of PHED who went on deputation to P&RD Department as APO (Technical) under DRDA, Goalpara. The RTI petition was transferred by the PIO of SDO, North Salmara, Abhayapuri to the Secretary of PHED on 3-6-2016.

The Under Secretary-cum- SPIO of PHE Department vide letter dated 17th June, 2016 responded to the petitioner's RTI application dated 24-5-2016. Subsequently, in response to the petitioners first appeal petition dated 15-7-2016 additional informations were furnished to the petitioner vide letter dated 30th July, 2016 by the Under Secretary and SPIO of PHED. Finally on receipt of another appeal petition from the petitioner, the Under Secretary and SPIO of PHED again wrote to the petitioner Sri Mohibul Haque reiterating the informations already furnished to him.

The Under Secretary and SPIO had submitted a written submission dated 10th November, 2016 to that effect, which was entered into the case records.

From perusal of the RTI petition dated 24-5-2016 and the informations already furnished to the petitioner by the Under Secretary, PHED, it appears that the RTI application was substantially responded to.

The gist of the matter, as deposed orally by the SPIO of PHED is that Sri Nirmal Nath, Assistant Engineer, PHED joined as APO (Technical) at DRDA, Goalpara on deputation with effect from 1-11-2007 in pursuance of P&RD Department's order No. RDD.193/2001/Pt/143 dated 30th October, 2007. Sri Nath completed the maximum admissible period of 5 years of deputation on 31st October, 2012. However, he continued to work in his deputation post till his reversion to his parent department in May, 2014. Prior to that PHED vide order No. PHED-425/06/25 dated 30th March, 2012 wrote to the Deputy

Secretary P&RD Department, Govt. of Assam to revert and release 10 deputed officers including Sri Nirmal Nath to their parent department, i.e., PHED as their services were urgently required by the parent department. This Commission directs **the PIO to furnish a copy of the same to the petitioner The SPIO deposed orally that the excess deputation period beyond five years is yet to be regularized . The matter is under process in consultation with the Finance Department.**

In view of the position narrated by the SPIO of PHED, as above, and informations already furnished by them to the petitioner, there seems to be no further cause of action for this Commission on the second appeal petition dated 30-8-2016 except to direct PHED Department to expedite the process of regularization or otherwise of the excess period of deputation of Sri Nirmal Nath, Asstt. Engineer PHED , as expeditiously as possible and inform the petitioner about the action thereof.

With the above order the second appeal petition dated 30-8-2016 is disposed of.

**Sd/-
(H. S. Das)
State Chief Information Commissioner,
Assam**

Authenticated true copy

**Sd/-
Registrar
Assam Information Commission**

Memo No. SIC/BNG/54/2016/24-A

Dated 30-11-2016

Copy to:

1. Sri Jogen Barua, Under Secretary, PHED, Dispur, Guwahati-6 for information and necessary action, as ordered above.
2. Sri Mohibul Haque, Ward No.-IV, , P.O- Abhayapuri, Dist- Bongaigaon, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File
5. Order book

**Registrar,
Assam Information Commission.**