



OFFICE OF THE

**ASSAM INFORMATION COMMISSION**

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**Case No. :** KP(M).639/2016  
**Complainant/ Appellant :** Mr Munindra Chandra Deka  
**Respondent :** Health & Family Welfare Department  
**Date of Hearing :** 29-11-2016  
**Complaint/ Second appeal heard by :** Shri H. S. Das, IAS (Retd)  
State Chief Information Commissioner, Assam

**O R D E R**

The petitioner Sri M. C. Deka, retired Drug Controller, Govt. of Assam is present, accompanied by his Advocate Sri Austin Narzary. The public authority is represented by:- (1) Sri Bhabesh Ch. Das, Joint DHS (On behalf of SPIO), (2) Sri Ashim Kr. Nath, Joint Drugs Controller (H.Q) (I/c) and (3) Sri Haresh Ch. Deori, Drug Controller I/c.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 27-1-2016 before the SPIO of Health and Family Welfare Department, Govt. of Assam. The RTI petition was transferred by the Deputy Secretary, Health & Family Welfare Department on 11-2-2016 to (i) the Director of Health Services, Assam and (ii) the Drugs Controller, Assam.

The petitioner submitted that he has in the meanwhile received satisfactory reply in response to his point No. 5 of his original RTI application dated 27-1-2016. The Health & Family Welfare Department furnished copy of the minutes of the Selection Board recommending promotion to the rank of Deputy Drugs Controller and Sr. Inspector of Drugs held on 4-7-2014 to the petitioner. He submitted that he will be satisfied if he is furnished the information sought for by point Nos. 1,2,3, and 4.

It is seen that all these 4 points relate to reports of actions taken by the State Govt in the Health and Family Welfare Department on matters mentioned in the RTI petition itself against each point.

The Addl. Director of Health Services (G) and SPIO has made a written submission, enclosing copies of letter dated 22-11-2016 which is entered into the case records. He also submitted copy of letter dated 10-3-2016 by Sri G. Talukdar, Drug Controller, Assam (i/c) to Sri M. C. Deka, the petitioner, furnishing him informations in response to RTI petition dated 27-1-2016. These written submissions are also entered into the case records.

**The Addl. Secretary to the Govt. of Assam, Health & Family Welfare Department has also submitted a written statement dated 22<sup>nd</sup> November, 2016. He authorized Sri Biman Dutta, SPIO of the Health and Family Welfare Department to represent him before this Commission at the time of hearing today. But the SPIO Sri Biman Dutta was absent at the time of hearing. The Addl. Secretary, Health and F.W. Department may look into this and take appropriate action.**

The Additional Secretary has narrated in his written statement the actions taken so far by the Department, including orders passed by the First Appellate Authority on 16th August, 2016. Earlier the Deputy Secretary, Govt. of Assam, Health & F.W Department furnished point-wise replies to the petitioner vide letter dated 23<sup>rd</sup> May, 2016.

From the letter dated 23<sup>rd</sup> May, 2016 and the First Appellate Authority's order dated 16<sup>th</sup> August, 2016, it appears that the department could not furnish any substantive information to the petitioner beyond stating that no actions have been taken or could be taken or need to be taken against point Nos. 1,2,3,& 4 of the RTI petition. However, the First Appellate Authority directed the Deputy Secretary of H&FW Department to furnish information to the petitioner with reference to the Department's earlier letter No. HLA.194/2016/27 dated 23-5-2016 within three months time.

This Commission, therefore, directs the SPIO of Health and Family Welfare Department, Govt. of Assam to furnish copies of action taken reports on all the above mentioned point Nos. 1, 2, 3 and 4 of the RTI petition dated 27-1-2016 – within a period of 20 days from the date of receipt of this order. If such action has been taken on any one or more of the above-mentioned four points, cannot be furnished then also the SPIO will inform the petitioner accordingly giving reasons thereof and/ or the stage at which the action taken process is at present, within a period of 20 days

With the above order the second appeal petition dated 5-9-2016 is disposed of.

**Sd/-**

**(H. S. Das)**

**State Chief Information Commissioner,  
Assam**

**Authenticated true copy**

**Sd/-**

**Registrar**

**Assam Information Commission.**

**Memo No SIC/ KP(M).639/2016/57-A**

**Dated 29-11-2016**

**Copy to:**

- 1) SPIO of the Office of Health & Family Welfare Department, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 2) Sri Bhabesh Ch. Das, Joint DHS, (On behalf of SPIO) , Hengrabari, Guwahati for information
- 3) Sri Munindra Ch. Deka, House No. 20, 4<sup>th</sup> Bye Lane, Tarun Nagar, Guwahati 781 005 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 5) Order Book.

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**Registrar**

**Assam Information Commission**