

ASSAM STATE INFORMATION COMMISSION**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : BNG.31/2016
Complainant/ Appellant : Md. Mobarak Ali
Respondent : Borobazar T.D. Block, Bongaigaon
Date of Hearing : 16-2-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
16-2-2017

The petitioner Md. Mobarak Ali is present. The public authority is represented by :-1) Sri Nishinath Sarma, Extension Officer, (Fishery) & SPIO of the office of BDO, Borobazar T.D Block , accompanied by (2) Sri Promod Basumatary, Accountant of the Block.

The non-compliance complaint petition dated 9-1-2017 is taken up for hearing in pursuance of this Commission's earlier order dated 29-1-2016 in presence of both the parties.

The petitioner Sri Mobarak Ali has stated in his complaint petition dated 9-1-2017 that he received an invitation from the Borobazar T.D Block for inspection of records on 22-12-2016 and receive the required documents. Since 22nd December, 2016 was a local market day, the petitioner , therefore, requested the bearer of the letter from the Block office to fix 26-12-2016 for inspection of documents, and when he went to the Block Office on 26-12-2016 the concerned officers were reluctant to talk to him and allow him to inspect the records.

The SPIO of the BDO's office submitted that the petitioner was informed by the letter dated 16-12-2016 to come for inspection of records. But he did not turn up on the date fixed. Nor did he make any request in any manner. The office peon delivering the letter dated 16-12-2016 for deferment of the date for inspection of records also did not report any request by the petitioner about his inability to come for inspection of records on 22-12-2016. In the absence of any request from the petitioner for deferment of the date of inspection of records, this Commission is not in a position to accept the veracity of any oral request claimed to have been made by him through the messenger of the letter for postponement of the date for inspection of records. The SPIO has also made a written statement dated 16-2-2017 stating that the complainant did not avail the opportunity of inspection of documents as communicated by letter dated 16-12-2016. It is also mentioned in the W/S of the SPIO that Sri P. Basumatary, Accountant of the Block is the custodian of the records sought for by the petitioner. Sri Basumatary, who is a Christian by religion, was on leave on 26th and 27th December in connection with Christmas. The SPIO, therefore, requested the petitioner, when he went to the

Block office on 26th December, 2016 to come on any other day after 27th December, after giving prior information. The petitioner, however, did not go again and instead filed the complaint petition dated 9-1-2017 before this Commission.

From the above, it appears that the petitioner was given reasonable opportunity for inspection of relevant records by the concerned SPIO, which he did not avail.

The complaint petition dated 9-1-2017 is, therefore, found to be without any merit and hence dismissed.

Sd/-

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

Sd/-

Registrar
Assam Information Commission

Memo No SIC/ BNG.31/2016 /32 -A

Dated 16-2-2017

Copy to:

- 1) Sri Nishinath Sarma, Extension Officer, (Fishery) & SPIO of the office of BDO, Borobazar T.D Block District- Bongaigaon, for information.
- 2) Md. Mobarak Ali, Vill- Dhupuri No. 1, P.O, Patildaha, P.S- Manikpur, District- Bongaigaon, Assam, PIN- 783 391 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

Registrar
Assam Information Commission