

Case No. : KP(M)639/2016
Complainant/ Appellant : Sri Munindra Ch. Deka
Respondent : DHS, Assam
Date of Hearing : 13-2-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R**13-2-2017**

The petitioner Sri Munindra Ch. Deka is absent without any information, nor has he prayed for deferment of the date of hearing. The public authority is represented by :- (1) Sri Biman Dutta, SPIO and Deputy Secretary, Health & Family Welfare Department, Govt. of Assam , accompanied by (2) Sri Dinesh Talukdar, Sr. Administrative Assistant of the Department.

The petitioner's complaint petition dated 16-1-2017 complaining about non-compliance of this Commission's order dated 29-11-2016 by the SPIO of the Health and Family Welfare Department, Govt. of Assam is taken up for hearing ex-parte in the absence of the petitioner.

The SPIO submitted that due to a bereavement in his family he could not appear on the last date of hearing on 29-11-2016. He has submitted a copy of letter dated 23rd December, 2016 addressed to Sri M.C.Deka, the petitioner, stating that the required informations were already sent to him by the Health & Family Welfare Department's letter No. HLA..194/2016/27 dated 23-5-2016.

The petitioner was also informed that the matter raised by him in his RTI petition dated 27-1-2016 was still under process and will take some more time for taking any final decision as the department is required to obtain the views of some other departments. The petitioner was advised that the required information would be provided to him as and when the department takes a final decision. A copy of the above mentioned letter was also endorsed to the Registry of this Commission together with copies of letters dated –(a) 23-5-2016 (b) dated 7th March, 2016 and (c) letter dated 10-3-2016, all of them addressed to the petitioner.

By letter dated 10-3-2016 the Drugs Controller sent a detailed response to the petitioner, copy of which is also submitted before this Commission. A copy of the First Appellate Authority's order dated 16-8-2016 was also enclosed along with the letter dated 23rd December, 2016.

From the submissions of the SPIO of the Health & Family Welfare Department and from perusal of his letter dated 23rd December, 2016 and its enclosures, it is seen that no action has been taken by Health & F.W. Department, so far as point Nos. 3 & 4 of the RTI petition is concerned, and the petitioner was also informed about it.

This being the position, there seems to be no further cause of action before this Commission with regard to point Nos. 3 & 4 of the RTI petition.

As regards point No. 1 , this Commission directs the SPIO to inform the petitioner as to what the department did with the petitioner's letter dated 18-8-2015 whether any action was taken on it or no action was taken at all. The factual position will be intimated to the petitioner within 15 days from the date of this order.

As regards point No. 2, the SPIO submitted that the Government Notification No. HLA.244/07/Pt/22 promoting three officers to the rank of Deputy Drug Controller, on the recommendation of the Selection Board was issued on 22-10-2014, and that the said Notification was not cancelled and , therefore, there is no Govt. letter cancelling the Notification. The Commission directs the SPIO to intimate this information also to the petitioner within 15 days from the date of receipt of this order.

And finally, as regards point No. 5 , this Commission directs the SPIO to inform the petitioner , with supporting documents , if any, about the action taken by the Health & Family Welfare Department on the APSC's letter No. 441/PSC/DR-2/3/2012-2013 dated 15th July, 2015 within 15 days from the date of this order. If no action was taken, that information shall also be furnished to the petitioner within 15 days .

With the above order the non-compliance complaint petition dated 16-1-2017 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/ 82 -A

Dated 13-2-2017

Copy to:.

- 1) Sri Biman Dutta, SPIO and Deputy Secretary, Health & Family Welfare Department, Govt. of Assam , for information and necessary action, as ordered above.
- 2) Sri Munindra Ch. Deka, House No. 20, 4th Bye Lane, Tarun Nagar, Guwahati-781 005 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

Registrar

Assam Information Commission