

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

Case No. : SIC/OS.44/2016  
Appellant/Complainant : Shri B K Tandon  
Respondent : The SPIO, O/o the Circle Officer, Dispur Revenue Circle, PO  
Basistha, Guwahati  
Date of hearing : 04.03.2017  
Complaint heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
04.03.2017

The SPIO absent but a Written Statement dated 02.03.2017 has been received from the Circle Officer, Dispur Revenue Circle.

The Appellant absent however, he has sent an apology by way of a W/S.

Perused the case record. It is seen that the Second Appeal was heard by the Commission and an order issued thereon on 24.10.2016. In the hearing, the Appellant was present. However, the Circle Officer was absent by sending a W/S. The Appellant had deposed that he had not received any communication from the Circle Officer. Through the W/S, the Circle Officer had submitted that information had been furnished to the Appellant through the two letters firstly on 06.05.2016 and then on 29.12.2015. From the perusal of the case record, it was seen that the letters were addressed wrongly and hence the non-receipt by the addressee. The Commission had ordered that the Circle Officer send the information to the Appellant at his correct address within 7 days of receipt of the Commission's order.

Perused the Appellant's W/S. In the statement, the Appellant has not mentioned whether he has received any communication from the Circle Officer in compliance with the Commission's aforementioned order, and has indeed requested for making the information sought for by him available to him.

In his written submission, the Circle Officer has not mentioned whether he had complied with the aforementioned order of the Commission. He has neither referred to the Commission's order nor has he mentioned whether he has furnished the wanting information to the Appellant in response to the Commission's said order. He has simply cited three letters claimed to have been written to the Appellant. It is seen that two of the letters were the ones that he had mentioned in his earlier W/S dated 21.10.2016 which were not delivered to the Appellant because of faulty address. He has cited another letter, i.e. letter no. DIS-19/2015/RTI/5956 dated 21.10.2016, further stating that the first letter was enclosed with this. In this regard, the Commission makes the following observations-

- (i) The Circle Officer has not taken appropriate action in compliance with the Commission's observation made in the said order of 24.10.2016 that he should be more thorough in submitting W/Ss before the Commission and ensure that all documents referred to are enclosed for evidence. He has not enclosed any of the three letters he has cited.
- (ii) The Circle Officer has not provided any evidence of posting the letter dated 21.10.2016.
- (iii) The Circle Officer has not explained as to why the letter he has claimed to have written to the Appellant on 21.10.2016 was not mentioned in his W/S dated 21.10.2016 submitted to the Commission before the hearing held on 24.10.2016.

(iv) The date of the said letter of 21.10.2016, and the W/S submitted indicate that the Circle Officer did not take any action on the order of the Commission on 24.10.2016.

(v) As the Appellant complained to the Commission through his letter dated 26.12.2016 and the W/S dated 09.02.2017 about non-compliance by the Circle Officer, it appears that the said letter of the Circle Officer dated 21.10.2016 may not have been received by him. In the absence of any evidence of posting/dispatching of the said letter, the Commission could not determine as to exactly when the said letter was posted/dispatched and by what means.

(vi) It is seen that a copy of the said W/S has been addressed to the Appellant, C/o- the guardian whose address is in Bamunimaidam, Guwahati. As the Appellant had mentioned New Delhi, as his address in all his communications, it is not known why the said copy of the letter has been addressed to him in Guwahati.

In view of the facts brought out above, the Commission is constrained to observe that the Circle Officer, Dispur Revenue Circle has dealt with the RTI Application of the Appellant, and the Commission's order thereon casually. The Circle Officer has not provided any evidence to show that he has made sincere effort to furnish the information sought by the RTI Applicant with a view to reaching it to him and has not provided any evidence of complying with the order of the Commission on the Second Appeal. He has submitted W/Ss in a casual manner. The Commission therefore directs the SPIO/Circle Officer, Dispur Revenue Circle to take appropriate action to furnish the information to the RTI Applicant and also to take follow up action on the orders of the Commission on the Second Appeal. Considering that the Appellant is yet to receive the last communication claimed to have been made by the Circle Officer through his letter dated 21.10.2016, the Commission hereby orders that a copy of this letter with its enclosure containing the information sought for by the Appellant be furnished to him by Registered Post within 7 days of receipt of this order, free of cost.

With this above order, the Complaint about non-compliance submitted by Shri B.K. Tandon is disposed of.

Sd/-  
Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Sd/-  
Registrar  
Assam State Information Commission

Memo No. SIC/OS.44/2016

Dtd. 04.03.2017

Copy to:

1. The SPIO, O/o the Circle Officer, Dispur Revenue Circle, PO Basistha, Guwahati, Assam for information and necessary action.
2. The First Appellate Authority/ SPIO & Dy. Secy. to the Govt. of Assam, Revenue & Disaster Management (S) Deptt., Dispur, Guwahati-781 006 for information.
3. The Appellant, Shri B K Tandon, C-188, Brotherhood Society, H-Block, Vikaspuri, New Delhi-110 018, Assam, for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar  
Assam State Information Commission