



OFFICE OF THE

ASSAM STATE INFORMATION COMMISSION

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Case No. : KP(M).66/2015
Complainant/ Appellant : Sri Jugal Kishore Chopra
Respondent : Director of Health Services, Assam
Date of Hearing : 11-4-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R

11-4-2017

The petitioner Sri Jugal Kishore Chopra is present accompanied by Sri C.Saikia to assist him. The public authority is represented by :- (1) Dr. Rajeeb Kr. Sharma, Addl. DHS (G) of the office of the Directorate of Health Services, Hengrabari, Guwahati-36, and (2) Sri Sanju Deori, Jr. Asstt. of the same office.

The second appeal petition dated 28-3-2016 is taken up for further hearing in pursuance of this Commission's earlier orders dated 28-12-2016 and 6-2-2017.

The Addl. Director of Health Services and SPIO of the office of Director of Health Services has submitted a written statement dated 24-3-2017 with several enclosures which are entered into the case records.

- 1) With his written statement he has enclosed a copy of letter dated 4th March, 2017 from the Superintendent of Police, Chief Minister's Spl. Vigilance Cell addressed to the Directorate of Health Services stating that Chief Minister's Special Vigilance Cell P.S case No. 01/2015 relating to M/S J.B. Pharmaceuticals is still under investigation. The SPIO submitted that in view of this he is not in a position to furnish the information in respect of point No.1 of the RTI petition as the same is exempted under Section 8(i)(h) of the RTI Act, 2005.
- 2) The Addl. DHS (G) stated that he has furnished the names and designations of the officers as sought for by the petitioner vide point No.-(ii) of his RTI petition dated 25-3-2015. They could not furnish the present position in respect of the officers whether he/she is still serving, or retired, and alive or dead. The petitioner submitted that some names of officers furnished to him does not relate to the period 1998-1993 and the present position whether the concerned officers are still serving or retired and dead or alive was furnished only in respect of one district-i.e. Nalbari district. The Addl. DHS submitted that they have furnished the information to the petitioner

as received from the offices of the concerned Joint Directors. This Commission notes that the CM&HOs and M&HOs are Gazetted Officers. Therefore, their service records should be available with the (1) Directorate of Health Services, Govt. of Assam, (2) Directorate of Health Services (F.W) and (3) Health and F.W (A) Department, Govt. of Assam.

This Commission, therefore, directs **the SPIO and Addl. DHS (G) to obtain the informations from the concerned officers of the above mentioned public authorities by writing to them under Section 5(4) of the RTI Act, 2005, mentioning therein that for the purpose of this case they will be treated as deemed PIOs under Section 5(5) of the RTI Act , and furnish the complete information to the petitioner within 45 days from the date of this order** which was pronounced in presence of both the parties.

- 3) As regards point No. (iii) of the RTI petition relating to other local Industries which were approved by the Directorate of Health Services during the period 1998-1993 for supplying medicines and dressing materials to the sixteen (16) districts mentioned at point No. 2 of the RTI petition through ASIDC and directly through Director, Health Services, Assam, the SPIO and Addl.DHS (G) mentioned in his written statement dated 24-3-2017 that these informations are also part of the investigation being conducted by Chief Minister's Vigilance Cell and that disclosure of the sought for information may adversely affect the investigation which is under process.

This Commission is of the view that it is the Chief Minister's Special Vigilance Cell to say whether disclosure of the sought for information will impede the process of investigation or apprehension or prosecution of offenders.

The Superintendent of Police, Chief Minister's Vigilance Special Cell, Assam is , therefore, directed to give his views with reasons thereof within 20 days from the date of receipt of this order, with reference to Section 8(1)(h) and 8(2) of the RTI Act, 2005 whether the information sought for vide point No.(i) and (iii)-3 of the RTI petition may be disclosed to the petitioner or not.

Fix **1 P.M on 30-5-2017** for next hearing.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Copy to:.

- 1) Dr. Rajeeb Kr. Sarma, Addl. DHS (G) of the office of the Director of Health Services, Assam, Hengrabari, Guwahati-36 for information and necessary action, as ordered above..
- 2) Superintendent of Police, Chief Minister's Special Vigilance Cell, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 3) Sri Jugal Kishore Chopra, S/O Late B. D. Chopra, House No.-113, P.D. Chaliha Road, Silpukhuri, Guwahati-3 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar
Assam Information Commission.**