

Case No. : **KP(M).384/2016**
Complainant/ Appellant : **Sri Z.M.Hoque, (ACS) Retd.**
Respondent : **Personnel (A) Department.**
Date of Hearing : **26-4-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
26-4-2017

The petitioner Sri Z.M. Hoque is present. The public authority is represented by Sri Prasanta Borkakati, Deputy Secretary, Personnel (A) Department accompanied by Sri Ankur Sarma, Junior Administrative Assistant, Personnel (A) Department.

The second appeal petition dated 8-2-2016 is taken up for further consideration in pursuance of this Commission's earlier order dated 14-2-2017.

It is seen from the case records that the Secretary to the Govt. of Assam, Personnel (A) Department and the First Appellate Authority sent a written communication dated 9th March, 2017 to the Registrar of this Commission stating that the petitioner was heard on 12-11-2015 and that no further direction to the SPIO seems necessary beyond the informations that were already furnished to the petitioner. It is also mentioned that the petitioner was advised to submit separate application, not relevant to the RTI, to redress his grievances relating to his promotion matters. The petitioner submitted that the RTI application and order passed by this Commission on 14-2-2017 is closely related to his promotion matters and before he files any separate prayer for redressal of his grievance relating to denial of promotion, he needs the informations as sought for by him and as ordered by this Commission.

The Deputy Secretary, Personnel (A) Department also produced before this Commission office copy of their letter No. AAP.41/2017/10 dated 5th April, 2017 from the Joint Secretary, Personnel (A) Department, Govt. of Assam addressed to Assam Information Commissioner, with copy to the petitioner Sri Z. M. Hoque. The letter was not received by this Commission. The petitioner said that he has also not received his copy.

Coming to the content of the Joint Secretary's letter dated 5th April, 2017 mentioned above, this Commission did not accept the submission of the Joint Secretary that the Department does not have the information regarding the names of the officers in ACS Grade-I cadre with the dates of their superannuation or promotion to the next higher level, due to which 23 vacancies in ACS Grade-I arose in ACS Gr.-I for the year 2011. This Commission is of the view that the Department ought to have the information as to how and why the 23 vacancies arose for the year 2011. This Commission makes it clear that by its order dated 14-2-2017 it did not direct creation of any new information, but only to furnish the information which formed the basis for promotion of 23 officers of ACS Grade-I cadre.

The Joint Secretary also mentioned as per available records, no ACS Grade-II officers were promoted to ACS Grade-I vacancies with retrospective effect in the year 2011.

The Joint Secretary has further mentioned that if the appellant is not satisfied with the information as already provided, he may visit the Department and examine the records himself and take “ the copy of document as present in the records.”

In view of the above, this Commission directs the SPIO of Personnel (A) Department to allow the petitioner to inspect all relevant documents and records with reference to sub-para (a) and (b) of the second paragraph of this Commission's earlier order dated 14-2-2017. The inspection of records be done during office hours on working days within 15 days from the date of this order, which was pronounced in presence of both the parties. The petitioner will also be allowed to take photocopies of documents free of cost up to 50 pages and thereafter on payment of Rs. 2/- for every additional page of photocopy.

With the above order the second appeal petition dated 8-2-2016 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) /384/2016/47-A

Dated 26-4-2017

Copy to:

- 1) Principal Secretary, Govt. of Assam Personnel (A) Department, Dispur, Guwahati-6 for his kind perusal and to suitably advise the Joint Secretary , Personnel (A) Department to maintain proper etiquette , decorum and protocol while corresponding with this Commission.
- 2) Joint Secretary, Personnel (A) Department, Dispur, Guwahati-6 for information and necessary action, as above.
- 3) Sri Prasanta Borkakati, Deputy Secretary, Personnel (A) Department Dispur, Guwahati-6 for information and necessary action, as ordered above..
- 1) Sri Z.M.Hoque., (ACS) Retd, House No-1, Bonkonwar Path, Kharghuli, Guwahati-781004 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar

Assam Information Commission.