

Case No. : KP(M).66/2015
Complainant/ Appellant : Sri J. K. Chopra
Respondent : Health & F.W Department
Date of Hearing : 25-8-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
25-8-2017

1. The appellant/petitioner Sri J. K.Chopra is present accompanied by his son Sri Rajesh Chopra. The public authority is represented by :- (1) Sri Mukul Gogoi, Secretary, Govt. of Assam, Health & F.W Department, Dispur, Guwahati-6, (2) Sri Amitabh Rajkhowa , Joint Secretary, Health & F.W, (3) Sri A.S.A Barbhuyan, Deputy Secretary and SPIO , Health & F.W Department, (4) Dr. Rajeeb Kumar Sharma, Additional Director, Health Services (G), O/O Director of Health Services, Hengrabari, Guwahati-36 and (5) Sri Sanju Deori, Jr. Assistant of the same office.
2. The second appeal petition dated 28-3-2016 is taken up for further consideration in pursuance of this Commission's earlier orders, the last one being 11-8-2017.
3. The Secretary, Health & F.W Department Sri Gogoi has submitted an affidavit, explaining the steps taken by the Department to furnish informations to the petitioner. The affidavit is entered into the case records.
4. As regards point No. 2 of the RTI petition dated 25-3-2015 the Secretary, Health & F.W Department clarified that the CM&HOs, now called Joint Director of Health Services, are the district heads of the Health & F.W Department. CM&HOs are appointed by the Govt. of Assam in the Health & F.W Department, and it is he who designates one of his junior officers as the in charge of the District store, who may be an M&HO or Sr.M&HO. Therefore, informations about the In- charge of Medical Stores are not available with the Health & FW Department or the Directorate of Health Services – they may be available with the concerned CM&HOs, now Joint Directors of the Districts.
5. The petitioner, however, contended that since the M&HOs or Sr.M&HOs are Govt. servants, their informations should also be available with the Govt. or the Directorate.
6. After hearing both the parties, this Commission takes the view that the informations relating to the then CM&HOs are held by the Health & F.W Department and informations relating to the Store In-charges are held by the concerned CM&HOs now

designated as Joint Directors, who designate them. The petitioner is, therefore, at liberty to file separate RTI petitions before the SPIOs of the concerned CM&HOs/ Joint Directors to obtain the informations about the District Medical Stores In-charges of the districts during the period 1988-1993.

7. As regards the names of CM&HOs who worked in the districts mentioned in point No. 2 of the RTI petition during the period 1988-1993 the informations should be available with the Health & Family Welfare Department, Govt of Assam.

8. The Addl. Director, Health Services who was present today submitted that they have already furnished the names of CM&HOs for the years 1988-1993 against the Districts mentioned in the RTI petition. The petitioner has also submitted a written submission dated 25-8-2017 stating that he has received the names of CM&HOs but without the informations whether they have retired or expired or still in service.

9. This Commission directs the SPIO of Health & F. W. Department, Govt. of Assam to inform the petitioner whether any of those CM&HOs are still in service and also indicate against the names of the CM&HOs whether they have retired.

10. As against the information as to whether the concerned CM&HOs are still alive or dead, as already mentioned in this Commission's earlier order dated 1-6-2017, the required informations in respect of pensioners are held by the pension disbursing bank branch and the Principal A.G (A&E), Assam. It is noted that once a Govt. officer retires from service his PPO is issued by the Principal A.G (A&E) and the pensioner draws his pension from a bank branch of his choice as approved by the Principal A.G (A&E). Therefore, it is the concerned bank branch and the A.G (A&E)s Office who can furnish the informations whether they are dead or alive.

The petitioner is therefore, at liberty to take it up with the Principal A.G. (A&E) Assam and other concerned authorities on this point.

11. As regards point No-3 of his RTI petition dated 25-3-2015 the Addl. Director of Health Services submitted that they have already furnished some informations to the petitioner after collecting the same from ASIDC. They have also written to the Joint Directors of the concerned districts and Tinsukiad District has submitted the information directly to the petitioner. The petitioner has also acknowledged receipt of information from Tinsukia District.

12. The Addl. Director, Health Services submitted orally as well as by way of affidavit that during the relevant period 1988-1993 procurements were made directly by the concerned CM&HOs either through ASIDC or by placing order directly with ASIDC approved at ASIDC approved rates. The Directorate was, therefore, not involved in the procurement mentioned in paragraph 3 of the RTI petition.

This Commission accepts the submissions mentioned by the Additional Director, Health Services and observes that the petitioner is at liberty to pursue the matter with the Joint Directors of Health Services of the concerned districts.

13. With the above orders the second appeal petition dated 28-3-2016 is disposed of.
14. During today's hearing the petitioner Sri J. K. Chopra was repeatedly obstructing the proceedings of the Commission by his intemperate behavior and utterances, amounting to misconduct. He left the proceedings midway in a irrational arrogance. Later his son Sri Rajesh Copra came and tendered oral apology for the misconduct of the petitioner. The Commission accepted the apology and decided to not initiate any penal action taking into account the advanced age of the petitioner.

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M) 66/2015

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Dated 25-8-2017

Copy to:-

- 1) Secretary to the Government of Assam, Health & F.W Department, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 2) Dr. Rajeeb Kr. Sharma, Additional Director of Health Services, (G), Hengrabari, Guwahati-36 for information and necessary action as ordered above.
- 3) Sri J. K. Chopra, S/O Late B. D. Chopra, House No. 113, P.O-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.