



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

Case No. : SIC/DRN.62/2016
Complainant : Md. Sahir Ali
Respondent : (i) The SPIO, O/o the Child Dev. Protection Officer, Dalgaon
Sialmari ICDS Project, Darrang, and
(ii) The SPIO, O/o the Asst. Executive Engineer, PWD
(Building), Mangaldai Sub-Division
Date of hearing : 25.08.2017
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
25.08.2017

The Appellant/Complainant, Md. Sahir Ali is present.

The SPIO, O/o the Executive Engineer, PWD (Building), Mangaldai Sub-Division, Mangaldai who was notified of today's hearing is absent. However, a letter no. Misc.93/pt-I/TB/2005-06 dated 27.07.2017 has been received from the EE, PWD, Tezpur (Building) Division, Tezpur.

The Commission decided to conduct the hearing proceedings *ex parte* of the SPIO considering that the Application for information is pending for nearly one year and that the Appellant has complained of non-compliance with the order of the Commission dated 17.02.2017.

Perused the aforementioned letter received from the EE, PWD, Tezpur (B) Division. It has been submitted that that Division was not involved in the construction of buildings of Anganwadi centres fall under Dalgaon Sialmari CDPO in Darrang district. A copy of the letter has been endorsed to the Assistant Executive Engineer, PWD, Mangaldai Sub-Division with a request to attend today's hearing. However, the said AEE is absent without information.

Perused the case record. It is seen that the Second Appeal dated 09.11.2016 was heard by the Commission and an order passed on 17.02.2017 after hearing both the SPIO, O/o the District Social Welfare Officer, Darrang. In that hearing the SPIO had submitted that PWD (B) Division, Darrang was the executing department and should be in possession of the information sought for. It was therefore ordered that the SPIO, O/o the District Social Welfare Officer, Darrang transfer part of the Application to the SPIO, O/o the EE, PWD (Building), Mangaldai and the latter should furnish the information to the Appellant within a time stipulated by the RTI Act, 2005. As for the Appellant, he had submitted his First Appeal dated 06.10.2016 to the DSWO, Mangaldai.

Heard the Appellant/Complainant. He submitted that he was still interested in the correct information from the concerned Public Authority for the reason that whereas the CDPO, Dalgaon Sialmari ICDS Project, Kharupetia had furnished the information through his letter no. CDPO/DS/53/2015-16/67 dated 07.12.2016 that the contractor had not constructed the Anganwadi centre buildings, he has some evidence to the contrary.

From the submission of the aforementioned letter of the EE, Tezpur (B) Division, Tezpur, it appears that there was a Sub-Divisional office in Mangaldai and the Divisional office was in Tezpur. However, in the absence of the AEE, Mangaldai Sub-Division in today's hearing, the factual position about the holder of the information could not be ascertained. The Commission is of the view that the information sought for pertained to Dalgaon Sialmari ICDS Project, CDPO and this Project ought to know as to which Public Authority had executed the concerned work, and consequently, hold the information.

In view of the facts brought out above, the Commission decided to fix another date of hearing on 10.10.2017 at 11:30 AM wherein the SPIO, O/o the CDPO, Dalgaon Sialmari ICDS Project and the SPIO, O/o the Asst. Executive Engineer, PWD (B), Mangaldai Sub-Division shall be respondent.

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

Authenticated true Copy

Sd/-
Registrar i/c
Assam State Information Commission

Memo No. SIC/DRN.62/2016/37-A

Dtd.25.08.2017

Copy to:

1. The SPIO, O/o the Child Dev. Protection Officer, Dalgaon Sialmari ICDS Project, Kharupetia, Dist- Darrang, Assam for information and necessary action.
2. The SPIO, O/o the Asst. Executive Engineer, PWD (Building), Mangaldai Sub-Division, Mangaldai, Dist- Darrang, Assam for information and necessary action.
3. The First Appellate Authority/District Social Welfare Officer, Darrang, Mangaldai, Assam for information.
4. The SPIO, O/o the Executive Engineer, PWD, Tezpur Building Division, Tezpur for information.
5. Md. Sahir Ali, S/o- Lt. Akbar Ali, Vill- Sialmari, PO- Dalgaon, Dist- Darrang, Assam, Pin- 784 115 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Registrar i/c
Assam State Information Commission