

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

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Case No. : KP(M).825/2017  
Complainant/ Appellant : Dr. Jiten Patowary  
Respondent : Assam Medical College & Hospital, Dibrugarh  
Date of Hearing : 24-10-2017  
Complaint/ Second : Shri H. S. Das, IAS (Retd)  
appeal heard by : State Chief Information Commissioner, Assam

**O R D E R  
24-10-2017**

1. The appellant/petitioner Dr. Jiten Patowary is present. The public authority to be represented by the PIO of Assam Medical College & Hospital, Dibrugarh is absent. However, the concerned PIO has sent a written submission dated 23-10-2017, which is basically a reiteration of the informations already furnished by him to the petitioner vide forwarding letter dated 7-4-2017. The written statement of the PIO of AMCNH is entered into the case records.
2. The petitioner Dr. Jiten Patowary also submitted a written submission dated 24-10-2017 stating that he was posted in AMCH only for six months from 1-12-1999 to 31<sup>st</sup> May, 2000, whereas audit period as mentioned by the SPIO in his letter dated 7-4-2017 was 1-12-1999 to 31-8-2001.
3. The petitioner submitted another prayer dated 24-10-2017 stating that although he retired from service in the year 2007, he is yet to receive his DCRG and other pensionary benefits due to him because of some audit paragraph , and that this has caused him great financial difficulties, besides harassment and mental agony. This prayer is also entered into the case records.
4. This Commission is of the view that it is for the competent Administrative Authority to address and redress the grievances of non-payment of Dr. Patowary's pensionary dues. This Commission is concerned with furnishing of the informations sought for by Dr. Patowary vide his RTI petition dated 16-2-2017.
5. From perusal of the case records it is seen that point Nos. 2,3,4,5 and 6 have been furnished by the SPIO of AMCH.
6. On point No. 1 of the RTI petition requesting for the full audit report the SPIO of AMCH mentioned in his reply dated 7-4-2017 as well in his written statement dated 23-10-2017 that the audit report is being held by the office of the Superintendent of AMCH, Dibrugarh in their fiduciary capacity and is therefore, exempted from disclosure under Section 8(e) of the RTI Act, 2005. **It therefore, appears that copy of the relevant audit report is available in the office of the Superintendent of AMCH, Dibrugarh.**

7. This Commission is of the view that an audit report is a statutory report on the utilization of public money by Govt. functionaries. The concerned audit report as sought for by the petitioner is therefore, a public document prepared and submitted, by the office of CAG/ AG, (Audit), Assam. Its disclosure cannot, therefore, be withheld up on the ground of fiduciary relationship with reference to Section-8(e) of the RTI Act, 2005. **The objection of the SPIO of AMCH, Dibrugarh is, therefore, over-ruled and he is directed to furnish a copy of the full and complete audit report, as sought for by the petitioner, within 15 days from the date of receipt of this order.**

8. From perusal of the informations furnished in response to point No. 7&8 of the petition it is seen that the SPIO's reply is evasive. He is, therefore, directed to refer to the relevant office records and inform the petitioner, **informing him about any recorded reasons for delay in communicating to him the audit paragraphs or about absence of any such recorded reasons.**

9. With the above order the second appeal petition dated 4-9-2017 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)825/2017/**

**A**

**Dated 24-10-2017**

Copy to:-

- 1) SPIO of Assam Medical College & Hospital, Dibrugarh, for information and necessary action.
- 2) Dr. Jiten Patowary, Retd. Professor of Nephrology, 301, Meghmalla House, F.C Road, Uzanbazar, Guwahati-1 for information.
- 3) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.

**Registrar**  
**Assam Information Commission.**