

**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) 872/2017**  
**Complainant/ Appellant** : **Sri Dulal Bora**  
**Respondent** : **Finance Department, Govt. of Assam**  
**Date of Hearing** : **21-11-2017**  
**Complaint/ Second** : **Shri H. S. Das, IAS (Retd)**  
**appeal heard by** : **State Chief Information Commissioner, Assam**

**O R D E R**  
**21-11-2017**

1. The appellant/petitioner Sri Dulal Bora is present. The public authority is represented by (i) Sri Isfaqur Rahman, ACS, Joint Secretary and SPIO of Finance (Establishment 'B') department , (ii) Smti Bipasha Kherkatary, Under Secretary and SPIO , Finance (Taxation) Department, and (iii) Sri Monoj Maloakar, Jr. Administrative Asstt. of the same Department.
2. In this connection it is noted that the petitioner filed his first appeal petition dated 16-5-2017 after getting no response to his RTI petition dated 30-7-2016. There is nothing in the case records to show that the first appeal petition was heard and responded to ,or it was rejected or not admitted on the ground of being time barred. In other words, it seems that no action was taken on the first appeal petition. Therefore, the second appeal petition dated 24-7-2017 which was submitted within the time period stipulated under Section 19(3) of the RTI Act, 2005 is admitted and taken up for hearing in presence of both the parties.
3. A written un-signed communication has been received from the office of Chief Secretary, Govt. of Assam stating that the petitioner's RTI petition dated 30-7-2016 was received in the office of the Chief Secretary on 3-8-2016 and was forwarded to the Commissioner & Secretary, Finance Department vide letter dated 4-8-2016. Later, the petitioner filed his first appeal petition dated 16-5-2017 before the Chief Secretary. The SPIO of Chief Secretary's office informed the petitioner vide letter dated 31<sup>st</sup> May, 2017 that the Chief Secretary is not the first appellate authority on matters concerning the Finance Department and informed the petitioner that his first appeal petition was also transferred to the Principal Secretary, Finance Deptt. vide C.S office letter dated 26-5-2017.
4. The SPIO and Joint Secretary of Finance Establishment 'B' Department submitted a written statement dated 20<sup>th</sup> November, 2017 stating that the petitioner Sri Dulal Bora's RTI petition, which was received by the Finance Department was transferred to the Principal Secretary of Assam Legislative Assembly Sectt. vide letter No. FEB.130/2015/52 dated 11-8-2016.

5. The petitioner submitted that he has not yet received any reply from the Assembly Sectt..
6. From perusal of the RTI petition dated 30-7-2016 it appears that the petitioner submitted a complaint petition dated 23-5-2016 before the Chief Secretary, Govt. of Assam against several irregular appointments made by the Principal Secretary of Assam Legislative Assembly. In his complaint petition dated 23-5-2016 the petitioner requested the Chief Secretary to take necessary action in respect of irregular appointments in the ALA Sectt. By his RTI petition dated 30-7-2016 the petitioner wanted to know the actions taken on his complaint petition dated 23-5-2016. He also wanted a copy of inquiry report, if any, in response to his complaint petition dated 23-5-2016.
7. From the letter dated 4<sup>th</sup> August, 2016 by which the SPIO of Chief Secretary's office transferred the RTI petition to the Commissioner & Secretary, Finance Department, it could not be made out whether the original complaint petition dated 23-5-2016 was also forwarded to the Finance Department. It appears that the Assembly Sectt. may not be in the receipt of the original complaint petition dated 23-5-2016.
8. In view of the above, the SPIO of ALA Sectt. is directed to give an appropriate response to the petitioner in reply to his RTI petition dated 30-7-2016 within 15 days from the date of receipt of this order. ***To avoid further delay enclose a copy of the original complaint petition dated 23-5-2016 and the RTI petition dated 30-7-2016 each to the Principal Secretary, ALA Sectt. for his ready reference.***
9. It has been observed in a number of second appeal cases the SPIO of Chief Secretary's office has been sending the RTI applications addressed to the Chief Secretary to the Govt. of Assam in a routine and cavalier manner to the SPIOs of public authorities who are not directly or primarily concerned with the RTI petitions, thereby causing non-furnishing or inordinate delay in furnishing replies to RTI petitions within the stipulated time. **He is directed to be more diligent in dealing with RTI matters and keep the Chief Secretary apprised of RTI application including important and sensitive matters, including allegations of corruption and vigilance irregularities.**
10. With the above order the second appeal petition dated 24-7-2017 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-  
Registrar  
Assam Information Commission

Copy to:-

- 1) The Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for kind information.
- 2) Sri Isfaqur Rahman, ACS, Joint Secretary and SPIO of Finance (Establishment 'B') department , for information and necessary action.
- 3) SPIO of Assam Legislative Assembly Secretariat, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 4) Sri Dulal Bora, Koinadhara Tiniali, House No-118, Khanapara, Guwaahiti-22 for information.
- 5) Computer Section for uploading in the Website.
- 6) Office file.
- 7) Order Book.

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