

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

Case No. : NGN.139/2017
Complainant : Shri Durgeswar Das
Respondent : SPIO, Raha Development Block, Nagaon
Date of hearing : 27.10.2017
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R

27.10.2017

The petitioner Shri Durgeswar Das is present. The public authority is represented by the BDO, Raha Development Block, Shri B. Barbora first appellate authority. Shri Raghu Kanta Nath, Junior Assistant of Raha Development Block has represented the SPIO of the Block. The BDO stated that the SPIO and Extension Officer, Fisheries of the Raha Development Block, Shri Palak Sarma was on leave and hence Junior Assistant of the Raha Development Block was authorized to represent the Block. The BDO, Raha Development Block was directed not to depute any Assistant in future.

The BDO, Raha Development Block submitted a written statement dated 27.10.2017 that the RTI petition dated 2.5.17 with the enclosed bank draft dated 29.4.17 was received by him and the same was dispatched to the 16 Gaon Panchayat (GP) Secretaries vide letter dated 18.5.17 to furnish the information to the petitioner. Thereafter the first appeal petition dated 10.6.17 was received by the BDO on 16.6.17 and accordingly notice was issued to the petitioner as well as the GP Secretaries vide letter dated 11.7.17 to appear for hearing on 18.7.17 at 12.00 noon. The GP Secretaries appeared for hearing on 18.7.17 but the petitioner was absent.

The petitioner present objected that he received the notice of hearing fixed on 18.7.17 on 22.7.17 and hence he could not appear for the hearing. He also admitted that he had received the notices from the GP Secretaries to deposit the cost of photocopies within seven days from the date of receipt of the notice. The BDO, Raha stated that the letter was sent to the petitioner through speed post on 12.7.17.

On perusal of the records it appears that the first appellate authority recorded the presence of the GP Secretaries and mentioned that the petitioner was absent but no order was issued informing the petitioner as informed by the GP Secretaries to deposit the cost for photocopying. It is observed that the petitioner received the notice for hearing of the first appeal after the date of hearing i.e. 22.7.17. The petitioner admitted that he did not approach the first appellate authority informing them of late receipt of notice of first hearing and filed his second appeal before the appellate authority after receiving the notice of hearing of the first appeal. The BDO, Raha

informed that fund from 14th Finance Commission are released to the Secretaries of GPS directly.

The Commission therefore, directs the petitioner to inspect the relevant office records and documents in the office of the Secretaries of the GPs. The GP Secretaries are also directed to allow the petitioner to inspect the relevant documents and allow him to take notes and photocopies of the documents sought for after payment of cost of photocopies. The Secretary of the GPS will intimate the petitioner of the date fixed for inspection of documents within 30 days from the date of receipt of this order.

The Commission also directs the first appellate authority to hear both the parties and dispose the petition through a speaking order within 45 days from the date of receipt of this order.

With the above direction the second appeal petition dated 28.7.17 is disposed of.

Sd/-

(N.A. Hazarika)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/ NGN 137/2017/

Dtd. 25.10.2016

- Copy to:
1. The Block Development Officer & First Appellate Authority, Raha Development Block, PO- Raha Dist. Nagaon, Assam, PIN-782103 for information and necessary action.
 2. The SPIO of the office of the Block Development Officer, Raha Development Block , PO- Raha, Dist. Nagaon, Assam, PIN- 782103 for information and necessary action.
 3. All Secretaries of Gaon Panchayats under the Raha Development Block for information and necessary action.
 4. Shri Durgeswar Das, R/O Christian Patty, PO- Nagaon, Disit- Nagaon, Assam, PIN- 782 001 for information.
 5. Computer Section for uploading in the Website.
 6. Office File.
 7. Order Book.

Joint Registrar
Assam Information Commission