

**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

Case No. : **KP(M).968/2017**
Complainant/ Appellant : **Sri Dulal Bora**
Respondent : **I&PR and Home Department.**
Date of Hearing : **26-12-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
26-12-2017

1. The appellant/petitioner Sri Dulal Bora is absent. He has ,however, informed the Registry of this Commission that he will not be able to attend the hearing today due to his being out of station. He has not submitted any prayer for deferment of today's hearing. The public authority is represented by (i) Sri Hemanta Pegu, SPIO and Deputy Secretary, Information and Public Relation Deptt.
(ii) Sri Zahid Ahmed Tapadar, Liaison Officer, attached to IPRD and (iii) Sri Mridul Kr. Mahanta, ACS, SPIO and Joint Secretary, Home and Political Department, Dispur, Guwahati .
2. The second appeal petition dated 24-7-2017 is taken up for hearing ex-parte in the absence of the petitioner.
3. From perusal of the case records it is seen that the petitioner Sri Dulal Bora filed a complaint petition dated 22-05-2015 before the Chief Secretary to the Govt. of Assam, alleging irregular selection by the APSC and subsequent appointment by the State Govt. of one Smti Barnali Misra in the post of Public Relations officer in the Directorate of Information and Public Relations, Govt. of Assam.
4. This was followed up by the petitioner by his RTI petition dated 9-8-2016 filed before the PIO of the office of Chief Secretary seeking the following informations:
 - (i) **File No. from which, inquiry, if any, was ordered in pursuance of his earlier complaint petition dated 22-5-2015 before the Chief Secretary to the Govt. of Assam, along with the name of the Inquiry Officer and his present designation,**
 - (ii) **Names and addresses of the persons against whom allegations were made in his complaint petition dated 22-5-2015, and**
 - (iii) **Copy of the report of inquiry, if any such report was submitted to the concerned higher authorities.**

5. The case records reveal that the RTI petition was transferred by the PIO of Chief Secretary's office to :- (i) the Deputy Secretary and (ii) the Joint Secretary and SPIO of Home Department, Govt. of Assam. The Deputy Secretary and SPIO of IPRD SPIO of Information and Public Relations Department submitted a detailed note on the actions taken by the Information and Public Relations Department on the RTI petition and the first appeal petitions dated 16-5-2017. The detailed note and the enclosures are entered into the case records.
6. From the detailed note it appears that the petitioner Sri Dulal Bora filed similar complaint petitions about the same officer on the same subject to several other public authorities, namely, to the PIOs of :- (i) Personnel "A" , (ii) C.M Secretariat, (iii) Finance Department and (iv) Judicial Department. It has been mentioned in the detailed note that on 20-1-2017 Sri Bora attended the office of Joint Secretary , Information and Public Relations and after discussion he received the required papers sought for by his RTI petition regarding Smti Barnali Misra. It has also been mentioned in the detailed note that the first appellate authority of Information and Public Relations Department , i.e., the Secretary of I&PR Department fixed three different dates for hearing of the first appeal petition filed by Sri Dulal Bora. But in all the three occasions Sri Bora was absent.
7. Thereafter, the FAA disposed of the first appeal petition by an order dated 7th November, 2017. The petitioner's second appeal petition dated 24-7-2017 is prior to the first appellate authority's order i.e., 7th November, 2017, The instant second appeal petition cannot, therefore, be treated as an appeal against the order of the first appellate authority within the meaning of Section 19(3) of the RTI Act, 2005.
8. Hence, it is liable to be dismissed and accordingly it is dismissed.

Sd/-

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

Authenticated true copy

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No SIC/ KP(M).968/2017/

A

Dated 26-12-2017

Copy to:-

- 1) Sri Hemanta Pegu, SPIO and Deputy Secretary, Information and Public Relation Deptt for information and necessary action.
- 2) Sri Mridul Kr. Mahanta, ACS, SPIO and Joint Secretary, Home and Political Department, Dispur, Guwahati .
- 3) Sri Dulal Bora, Koinadhara Tiniali, House No. -118, Khanapara, Guwahati-22 for information and necessary action
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Secretary & Registrar
Assam Information Commission

**TOUR PROGRAMME OF SHRI H. S. DAS, IAS (RETD) STATE CHIEF INFORMATION
COMMISSIONER, ASSAM ACCOMPANIED BY SMTI T.Y. DAS, IAS, CHAIR PERSON
ASSAM BOARD OF REVENUE AND ASSAM ADMINISTRATIVE TRIBUNAL, ASSAM**

27TH DECEMBER, 2017

10.00 A.M	LEAVE RESIDENCE AT IAS COLONY, KHANAPARA BY ROAD
11.00 A.M	ARRIVE MANGALDOI VIA BAIHATA CHARIALI
11.30 A.M TO 01.30 P.M	DISCUSSION WITH DEPUTY COMMISSIONER, DARRANG AND ATTEND LOCAL PROGRAMME
01.30 P.M 03.00 P.M	DEPART FOR MAZBAT AFRRIVE MAZBAT
04.00 P.M 07.00 P.M	DEPART MAZBAT VIA MANGALDOI ARR. GUWAHATI

**(B. C. HAZARIKA)
Secretary
Assam Information Commission**

Memo No.HSD/CUC/TOUR/2017

Dated 26th December, 2017

Copy to:

1. Deputy Commissioner, Darrang, Mangaldoi for information and necessary action.
9. Deputy Commissioner, Udalguri, Bihata Chariali, for information.
10. Deputy Commissioner, Kamrup (Metro), Panbazar, Guwahati-1 for information.
11. Deputy Commissioner, Kamrup (Rural), Amingaon, for information.
12. Superintendent of Police, Mangaldoi, for information and necessary action.
13. Superintendent of Police, Kamrup (Metro) for information & necessary action
14. Superintendent of Police, Kamrup (Rural), Amingaon for information and necessary action
15. Superintendent of Police, Udalguri, Bihata Chariali, for information and necessary action
16. ADGP (S.B) , Kahilipara, Guwahati-19 for kind information and necessary action.

**Secretary,
Assam Information Commission**