



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No.	:KP(M)1280/2017
Complainant/ Appellant	Sri Dual Bora
Respondent	:C. M's Secretariat
Date of Hearing	:21.02.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
21.02.2018

The petitioner Sri Dulal Bora is present. The public authority is represented by Niranjana Bora, Under Secretary and SPIO of Assam Chief Minister's Secretariat, accompanied by Sri Prabal Jyoti Medhi, Sr. Administrative Assistant of C.M's Secretariat.

The second appeal petition dated 27-6-2017 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner filed a complaint petition dated 3-12-2015 before the Additional Chief Secretary in the office of Chief Minister of Assam, pointing out that several ACS officers are continuing in the Assam (Civil) Secretariat in different capacities for several years beyond the normal tenure of 3 years. By his complaint petition he requested the Additional Chief Secretary in C.M's Secretariat to take necessary steps for transferring such officers to some other departments.

Not getting any reply, he filed an RTI petition dated 17-8-2016 seeking the following informations :-

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 3-12-2015 and name of the Inquiry Officer with his designation ;
- (b) names and addresses of the persons mentioned in the complaint petition dated 3-12-2015, and
- (c) photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

Not getting any response to his RTI petition he followed it up by a 1st appeal petition dated 22-5-2017 before the SPIO of Chief Minister's Secretariat and second appeal petition dated 27-6-2017 which is now under consideration before this Commission.

The SPIO of Chief Minister's Secretariat has submitted a written statement dated NIL stating that the petitioner's original complaint petition dated 3-12-2015 was forwarded vide C.M Secretariat letter No. CMS.111/2015/233 dated 5th January, 2016 to the Secretary of Personnel Department, Govt. of Assam with a request to submit action taken report on Sri Dulal Bora's petition at an early date. Copy of this letter was given to the petitioner Sri Dulal Bora. The SPIO has mentioned that the RTI petition dated 17-8-2016 was received in the C.M's Secretariat on 26-8-2016, but the information sought for by the petitioner does not exist and is not available as part of record in the C.M's Secretariat.

The CM's Secretariat letter dated 5-1-2016 mentioned above contains the information sought for by the petitioner vide pint No. 1 of his RTI petition. Information sought for by (b) of the information is available in the petitioner's complaint petition dated 3-12-2015 itself. As regards point No, (c) it appears from the written statement of C.M's Secretariat that Secretary, Personnel Department has not submitted any action taken report till date, although more than 2 years have elapsed and, therefore, the SPIO has not been able to furnish the sought for information in this regard..

The SPIO of CM's Secretariat is directed to bring this laxity on the part of Secretary, Personnel Department to the notice of his higher authorities in the Chief Minister's Secretariat for necessary action so that the information with regard to para- 'c' above can be provided to the petitioner within a period of 20 days from the date of receipt of this order..

This Commission also notes that the SPIO of CM's Secretariat failed to reply to the RTI petition dated 17-8-2016 within the stipulated time period. Similarly the first appellate authority of C.M's Secretariat also did not bother to take any action on the first appeal petition dated 22-5-2017. Such inactions are a clear violation of Section 7 and Section 19 of the RTI Act, 2005. **The SPIO of Chief Minister's Secretariat is directed to bring this to the notice of the concerned higher authorities in the C.M's Secretariat to ensure compliance of the provisions of the Act in future**

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

Authenticated true copy

**Registrar
Assam Information Commission**

Memo No SIC/ KP(M)1280/2017. A

Dated 21.02.2018

Copy to:-.

- 1) Sri Niranjan Bora, Under Secretary and SPIO of Assam Chief Minister's Secretariat, Dispur, Guwahati-6 for information and necessary action.
- 2) Sri Dulal Bora, Koinadhara Tiniali, House No-118, Khanapara, Guwahati-22 for information and necessary action
- 3) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar
Assam Information Commission.**