

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

Case No. : SIC/GLT.26/2017
Complainant : Shri Biplab Hazarika
Respondent : The SPIO, O/o the Director of Health Services, Assam
Date of hearing : 25.01.2018
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
25.01.2018

Dr. Rajeeb Kumar Sharma, Addl. Director of Health Services/SPIO, Shri Kamala Kr. Rabha, Senior Assistant, Shri Bijoy Sarma, Junior Assistant and Smt. Nilakshi Handique, Compiler are present.

The Complainant, Shri Biplab Hazarika is present.

The Written Statements dated 20.01.2018 and 22.01.2018 have been received from the Sub-Divisional Officer (Civil), Dhansiri, Sarupather/First Appellate Authority and the Director of Health Services, Assam.

Heard the Complainant. He submitted that he had submitted his Complaint dated 02.11.2017 being aggrieved at not being provided with the information within the time stipulated by the RTI Act, 2005. He also submitted that the Director of Health Services, Assam did not furnish the information in time after receiving his Application on transfer. He further stated that he was still interested in receiving the remaining information and requested in writing to treat his Complaint as an Appeal under the said Act.

From the personal depositions by the Appellant and the Respondents and perusal of the Written Statements, it is seen that information has been provided to the Appellant in respect of the first point which was about the date of joining and date of retirement of the concerned officer named in the Application and the information sought for as point number 2 namely, copies of documents submitted by the aforesaid person at the time of his appointment could not be furnished as the same were not held by the Director of Health Services, Assam or the Joint Director of Health Services of the concerned district. It was submitted that the said concerned documents ought to be held by the Health & Family Welfare Department, Government of Assam.

Perusal of the case record indicates that the Appellant had not addressed his Application for information dated 13.05.2017 appropriately as the same was addressed as “the Public Information Officer, Dhansiri, Sarupathar”. It is evident that the Application was not addressed to the PIO of a specific Public Authority. Likewise, his First Appeal U/S 19 (1) dated 14.07.2017 was addressed similarly and not to the appropriate First Appellate Authority. The Appellant submitted that he had handed over his Application to an official in the office of the SDO (Civil) dealing with RTI matters. This enabled the PIO of the SDO (Civil) to take action by transferring the Application to the said Director through a letter dated 29.05.2017.

In course of the hearing, the procedure of seeking information and filing of First Appeal was explained to the Appellant.

From the facts brought out above, it is seen that the Public Authorities have already furnished the information to the Appellant as available with them. The Commission therefore hereby orders that the SPIO in the office of the Director of Health Services, Assam shall transfer the part of Application in respect to which the information is held by the SPIO, the Health & Family Welfare Department, Government of Assam, within 10 days of receiving this order. The Appellant is also at liberty to seek the said information directly from the SPIO of the said Department.

With this, the Second Appeal/Complaint is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/GLT.26/2017

Dtd.25.01.2018

Copy to:

1. The SPIO, O/o the Director of Health Services, Assam, Hengrabari, Guwahati- 36 for information and necessary action.
2. The First Appellate Authority/Sub-Divisional Officer (Civil), Dhansiri, Sarupathar, Dist- Golaghat, Assam for information.
3. The Appellant, Shri Biplab Hazarika, S/o- Shri Atul Hazarika, R/o- Sarupather Town, W/No- 3, Mouza & PS- Sarupather, PO- Sarupather, Dist- Golaghat, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission