

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

Case No. : JRT.39/2017  
Complainant : Shri Rajen Kalita  
Respondent : SPIO, office of the Joint Director, Health Services,  
Assam, Jorhat.  
Date of hearing : 22.2.2018  
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**

22.2.2018

The petitioner Shri Rajen Kalita is absent without any intimation. The first appellate authority is represented by Dr. Benudhar Das, Joint Director, Health Services (GQ), Assam. The SPIO and Addl. Director of Health Services has informed the Commission vide letter dated 17.2.18 that the petition filed by Shri Rajen Kalita has been transferred to the Joint Director of Health Services, Jorhat and the Mission Director, NHM, Assam to furnish the required information to the petitioner directly vide letter dated 27.10.17. The Joint Director of Health Services (HQ), Assam orally submitted that matters relating to construction of buildings were dealt with by the Mission Director. Hence the Mission Director, NHM, Assam had been requested to furnish the information to the petitioner. Rest of the information was available with the Joint Director of Health Services, Jorhat, who was also requested to furnish the information.

The Commission observes that the Joint Director of health Services, Jorhat has neither furnished the information nor is present in the hearing today. The Commission therefore, directs the SPIO of the Joint Director of Health services to show cause as to why penalty u/s 20 (1) of the RTI Act, 2005 should not be imposed on him for not furnishing the information and his absence in the hearing today.

Further, it is observed that no notice was issued to the Mission Director, NHM, Assam, who holds the information relating to construction matters. The Mission Director, NHM, Assam who is holding the information is considered as the deemed PIO u/s 5(4) and 5(5) of the RTI Act, 2005 and is directed to furnish the

information to the Joint Director, Health Services, within 21 days from the date of receipt of this order. Thereafter the Joint Director, Health Services shall furnish the information to the petitioner within seven days.

It is also observed that the first appeal petition has not been heard by the first appellate authority. The Commission therefore, directs the first appellate authority to take a hearing and dispose the matter within one month from the date of receipt of this order.

**Fix 12.00 Noon on 03.04.2018 for next hearing.**

Sd/-

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

Authenticated true copy.

Sd/-

Joint Registrar  
Assam Information Commission

Memo No. SIC/ JRT.39/2017/

Dated 22.2.2018

- Copy to:
1. The SPIO, office of the Joint Director of Health Services, Jorhat, Assam for information and necessary action.
  2. The Mission Director, NHM, Assam, Saikia Complelx, Christian Basti, Guwahati-5 for information and necessary action.
  3. The FAA/ Directorate of Health Services, Assam, Hengrabari, Guwahati-6 for information and necessary action.
  4. Shri Rajen kalita, Vill- Melengkumar Gaon, PO- Borkhelia, Dist. Jorhat, Assam, PIN- 785101 for information.
  5. Computer Section for uploading in the Website.
  6. Office File.
  7. Order Book.

Joint Registrar  
Assam Information Commission