



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No.	:KP(M)1059/2017
Complainant/ Appellant	Sri Dulal Bora
Respondent	:Chief Minister's office.
Date of Hearing	:05.03.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) :State Chief Information Commissioner, Assam

O R D E R
05.03.2018

1. The public authority represented by Sri Niranjan Bora, Under Secretary and SPIO of Chief Minister, Assam Secretariat is present. He is accompanied by Sri Prabal Jyoti Medhi, Sr. Administrative Assistant in the said Secretariat.
2. The petitioner Sri Dulal Bora is absent. He has sent an e-mail dated today, 5th March, 2018, requesting for postponement of the date of hearing.
3. The SPIO and Under Secretary of C.M's Secretariat has submitted a written statement dated 3rd March, 2018 stating that the original complaint petition dated 5-12-2015 submitted by the petitioner Sri Dulal Bora to the Additional Chief Secretary in the office of Chief Minister, Assam was forwarded to the Secretary of Personnel Department, Govt. of Assam vide letter dated 19th January 2016, copy of which was also given to the petitioner Sri Dulal Bora. But even after that the petitioner filed an RTI petition dated 17-8-2016 before the SPIO of Chief Minister's office and the first appeal petition dated 22-5-2017, much after a lapse of the time period prescribed under the RTI Act, 2005, before the Additional Chief Secretary in C.M's Secretariat. The SPIO of C.M's Secretariat has also mentioned in his W/S that the RTI petition dated 17-8-2016 was forwarded much after the stipulated time period, to the concerned Department who holds the information,. namely the Personnel Department of Govt. of Assam vide letter dated 27th February, 2018. The SPIO has enclosed copies of the forwarding letters dated 19th January, 2016 and transferred letter dated 27th February, 2018 as mentioned above with his written statement.
4. It , therefore, appears that the petitioner as well as the SPIO of C.M Secretariat both are responsible of filing their RTI petitions/ first appeal petition and transferring the RTI petition respectively much after lapse of the time periods prescribed under the RTI Act, 2005.

5. The present position of the second appeal petition dated 27-6-2017 being what has been described above, the SPIO of Personnel Department is directed to inform the petitioner within 30 days from the date of receipt of this order :

- (a) Whether any inquiry has been ordered or any action has been taken on the petitioner's original complaint petition dated 5-12-2015 and if so, the number of the file from which inquiry has been ordered / action has been taken , the name of the Inquiry officer and his present designation, and
- (b) Copy of the inquiry report or present status of the action taken on the complaint petition.

6. Furnishing the names of the persons complained against vide complaint petition dated 5-12-2015 is found to be redundant as they are mentioned by the petitioner himself in his complaint petition.

7.....In view of the above order, re-fixation of the date of hearing ,as prayed for by the petitioner, does not appear to be necessary and the second appeal petition dated 27-6-2017 is disposed of.

8 This is without prejudice to the petitioner's liberty to approach this Commission, if he does not get any response from the SPIO of Personnel Department within the stipulated time.

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

Authenticated true copy
Sd-
Registrar
Assam Information Commission

Memo No SIC/ KP(M).1059/2017/ A

Dated 05.03.2018

Copy to:-.

- 1) Sri Niranjan Bora, Under Secretary and SPIO of Chief Minister's Secretariat, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 2) SPIO of Personnel Department, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 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.

Registrar
Assam Information Commission.