

Case No. :KP(M).65/2018
Complainant/ Appellant Sri Dulal Bora
Respondent Personnel, Excise and Election Deptts.
Date of Hearing :26.03.2018
Complaint/ Second appeal heard by Shri H. S. Das, IAS (Retd)
:State Chief Information Commissioner, Assam

O R D E R
26.03.2018

1. The appellant Sri Dulal Bora is absent. However, he has sent an e-mail praying for deferment of the date of hearing due to a bereavement in the family.
2. The public authority is represented by (1) Sri Dipak Kr. Handique, Joint Secretary & SPIO of Excise Department, (2) Sri B.D.Sharma, Deputy Secretary, Election Deptt. (3) Sri Prasanta Borkakati, Deputy Secretary, Personnel (A) Department accompanied by Sri Ankur Sarma, Senior Administrative Assistant of the same Department.
3. From perusal of the case records it is seen that the petitioner filed a complaint petition dated 5-4-2016 before the Chief Secretary to the Govt. of Assam leveling allegations against Sri Mohan Lal Sulekha, the then Joint Chief Electoral Officer, and against one Sri Amarendra Nath, the then Deputy Superintendent of Excise, Guwahati.
4. Thereafter, he filed an RTI petition dated 9-8-2016 seeking the following informations:
 - (a)The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 5-4-2016 and name of the Inquiry Officer with his designation ;
 - (b)names and addresses of the persons mentioned in the complaint petition dated 5-4-2016, and
 - (c)photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.
5. Since the names of the persons against whom allegations were leveled by the petitioner are already mentioned in the complaint petition dated 5-4-2016, therefore, point

No. 4(b) above, appears to be superfluous. Hence point No. 4(a) and (c) only are taken up for consideration.

6. The SPIO of the Office of Chief Secretary has submitted a written statement dated 20th March, 2018 stating that the RTI petition dated 9-8-2016 was forwarded to the SPIO's of (a) Personnel Department, (b) Excise Department and (c) Election Department vide letter dated 16-8-2016. Later the first appeal petition dated 16-5-2017 was also transferred to the above mentioned three departments vide letter dated 1-6-2017. The SPIO of the office of Chief Secretary has not, however, mentioned in her W/S what action was taken on the original complaint petition dated 5-4-2016.

7. The SPIO and Deputy Secretary of Election Department has submitted a separate written statement dated 20th March, 2018, stating, interalia, that the sought for informations were already furnished to the petitioner vide a letter dated 15th September, 2016 stating that no inquiry was made in the matter. He was advised to file the first appeal petition if he was not satisfied with the informations furnished to him. Subsequently, the petitioner filed his first appeal petition dated 16-5-2017. This was rejected by the First appellate authority vide order dated 12-6-2017 on the ground that the first appeal petition was not filed within the stipulated time period and the petitioner did not mention any cause for the delay in filing the first appeal petition, nor did he pray for condonation of the delay. The petitioner was also informed about the order of the First Appellate Authority.

8. The SPIO and Deputy Secretary, Personnel (A) Department has also submitted a W/S dated 26th March, 2018. Going through this W/S it appears that Personnel Department has mixed up the instant RTI petition which refers to a complaint petition No. DB-558/3/2016 dated 5-4-2016 with another RTI petition of the same date by the same petitioner with reference to a complaint petition No. DB.653/1/16 dated 15-6-2016 by the same complainant.

9. The Joint Secretary and SPIO of Excise Department has also submitted a separate written statement dated 3rd March, 2018 narrating sequentially the actions taken by the Department on the RTI petition dated 9-8-2016 submitted by the petitioner Sri Dulal Bora. It has been mentioned, interalia, that Sri Amarendra Nath, the then Deputy Superintendent of Excise Department has already been transferred twice in the mean time and the allegations against him were referred to the CID for necessary action. The SPIO deposed orally that no report has been received from the CID but the matter is under investigation by the CID and the officer is at present under suspension.

11. In view of the above, the SPIOs' of Personnel and Excise Department are directed to inform the petitioner Sri Dulal Bora specifically against point No.4 (a) and (c) above within 15 days from the date of receipt of this order.

12. In view of the above order, no further hearing seems to be necessary and the second appeal petition dated 24-7-2017 is disposed of with the rider that the petitioner will be at liberty to revert to this Commission if he is not satisfied with the informations furnished to him , as ordered above.

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M)..65/2018

A

Dated 26.03.2018

Copy to:-

- 1) SPIO of the office of Chief Secretary, Assam, Dispur, Guwahati-6 for information.
- 2) Sri Dipak Kr. Handique, Joint Secretary and SPIO, Excise Department, Dispur, Guwahati-6 for information and necessary action.
- 3) Sri Prasanta Borkakati, Deputy Secretary , Personnel (A) Department, Dispur, Guwahati-6 for information and necessary action.
- 4) Sri B.D. Sharma, Deputy Secretary, Election Department, Dispur,Guwahati-6 for information
- 5) Sri Dulal Bora, Koinadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
- 6) Computer Section for uploading in the Website
- 7) Office file.
- 8) Order Book.**

Registrar
Assam Information Commission.