



OFFICE OF THE

**ASSAM INFORMATION COMMISSION**

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**Case No.** :KP(M).71/2018  
**Complainant/ Appellant** Sri Dulal Bora  
**Respondent** Personnel Department, Govt. of Assam  
**Date of Hearing** 28.03.2018  
**Complaint/ Second appeal heard by** Shri H. S. Das, IAS (Retd)  
State Chief Information Commissioner, Assam

**O R D E R**  
**28.03.2018**

1. The petitioner Sri Dulal Bora is absent without any information. He has not prayed for deferment of the date of hearing. The public authority is represented by Sri Prasanta Borkakati, Deputy Secretary and SPIO of Personnel Department, Govt. of Assam, accompanied by Sri Ankur Sarma, Sr. Administrative Assistant of the same Department.

2. The second appeal petition dated 24-7-2017 is taken up for hearing , ex-parte in the absence of the petitioner.

3. From perusal of the case records, it is seen that vide his letter No. DB-24/9/15 dated 28-1-2015 the petitioner filed a complaint petition before the Chief Secretary, Govt. of Assam alleging commission of financial irregularities by Sri Mukti Gogoi, IAS during his tenure as Director, Handloom and Textiles, Govt. of Assam. Thereafter he filed an RTI petition dated 9-8-2016 before the PIO of the Office of Chief Secretary, Assam seeking the following informations :-

- (a) The number of the file from which inquiry was ordered in the allegations mentioned in his complaint petition dated 28-1-2015 and name of the Inquiry Officer with his designation ;
- (b) names and addresses of the persons mentioned in the complaint petition dated 28-1-2015, and
- (c) photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

4 Thereafter the RTI petition was transferred by the SPIO of Chief Secretary's office to the Deputy Secretary and SPIO of Personnel Department, Govt. of Assam vide letter dated 18<sup>th</sup> August, 2016.

5. Subsequently, the petitioner filed a first appeal petition dated 16-5-2017 before the PIO of Chief Secretary, Assam, followed by his second appeal petition dated 24-7-2017 before this Commission.

6. The SPIO and Deputy Secretary of Personnel Department, Govt. of Assam has submitted a written statement dated 26<sup>th</sup> March, 2018 stating that vide a letter dated 19<sup>th</sup> December, 2017, the petitioner Sri Dulal Bora was informed in response to his RTI petition dated 9-8-2016 and first appeal petition dated 16-5-2017 about the action on his original complaint petition dated 28-1-2015 filed before the Chief Secretary, Govt. of Assam. The SPIO has enclosed a copy of his letter dated 17<sup>th</sup> February, 2015. The Deputy Secretary, Personnel Department forwarded the complaint petition dated 28-1-2015 to the Commissioner & Secretary to the Govt. of Assam, Handloom and Textiles Department and requested him to look into the matter and cause an inquiry, if necessary, and submit a report to the Personnel Department. The SPIO deposed orally that no inquiry report has been received from the Commissioner and Secretary, Handloom and Textiles Department so far. Sri Mukti Gogoi, being an IAS Officer is under the administrative control of the Personnel Department.

7. It appears that while the Commissioner and Secretary of Handloom and Textiles Department, Govt. of Assam has not given any report to Personnel Department till date, the Personnel Department also has not taken any follow-up action after their letter dated 17<sup>th</sup> February, 2015. It is imperative that complaints against Government functionaries/ Departments be looked into and acted upon by the competent authority if the complaint petitions are specific and found to contain a prima facie case, otherwise, if they are found to be vague or frivolous, and without any merit, or substance etc., they may be dropped with the approval of the competent authority

8. The SPIO of Personnel Department is, therefore, directed to obtain from the Commissioner & Secretary, Handloom and Textiles Department, who will be treated as the deemed PIO under Section 5(5) of the RTI Act, 2005 to submit his report within 30<sup>th</sup> April, 2018.

9. The SPIO will furnish necessary information to the petitioner in respect of 3(a) and (c) above within 15<sup>th</sup> May, 2018. Point No. 3(b) is found to be redundant as the name and designation of the officer against whom the petitioner has levelled allegations are already mentioned in the original complaint petition dated 28-1-2015.

10. With the above orders the second appeal petition dated 24-7-2017 is disposed of.

**..Sd/-  
(H. S. Das)**

**State Chief Information Commissioner,  
Assam**

**Authenticated true copy**

**Sd/-  
Registrar  
Assam Information Commission**

**Memo No SIC/ KP(M).71/2018/ A**

**Dated 28.03.2018**

**Copy to:-**

- 1) Commissioner & Secretary, Govt. of Assam, Handloom and Textiles Department, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 2) Sri Prasanta Borkakati, Deputy Secretary and 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
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book

**Registrar  
Assam Information Commission.**