



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

Case No. : NCH.05/2011  
Complainant : Shri Gobinda Rajbongshi  
Respondent : Executive Engineer, PWD, Haflong (Road) Division.  
Date of order : 13.4.2018  
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**

13.4.2018

1. Non-compliance petition filed by Shri Gobinda Rajbongshi vide letter dated 15.11.17, 3.1.18, 12.2.18 and 26.3.18 are put up for consideration. The Diarist of this Commission is cautioned to be careful in future for delay in putting up such important papers.
2. The petitioner filed his non-compliance petition dated 15.11.17 with reference to the Commission's letter dated 22.9.17 directing the SPIO of the office of the EE, PWD Haflong (R ) Divn., SPIO of the office of the EE, PWD Mahur (R ) Division and the SPIO of the office of the SE, PWD (R&B) Central Assam Circle, Nagaon to submit a compliance report within 10 days from the date of receipt of the letter. He informed that no information was received by him.
3. The petitioner sent reminders dated 3.1.18, 12.2.18 and 26.3.18 to the Commission and complained of non-fixing of date for hearing. He requested the Commission for early disposal of the case for release of family pension benefit to Smti. Jamuna Devi, w/o Late Padmeswar Nath.
4. On perusal of the RTI petition dated 19.12.2011 filed before the Commission, it appears that the petitioner had enclosed a copy of the letter issued by the Under Secretary, PWD (Audit Branch) to the EE, PWD, Mahur (R) Division to take necessary steps for submission of family pension in respect of P. Nath, ex- Driver along with all supporting documents indicating the reasons for which the family pension of Smt. Jamuna Devi as prayed for vide her letter dated 1.7.11 could not be furnished till date. The said petition was transferred by the Commission to the Executive Engineer, PWD, Mahur (R ) Division for furnishing information to the petitioner vide letter dated 11.1.12.
5. Thereafter non-compliance petitions were filed by the petitioner and orders passed by the Commission on 10.3.14 and 20.5.15 directing the Executive Engineer, PWD, Mahur to show cause for non-furnishing of information to the petitioner. The Executive Engineer, Mahur (R) Division vide letter dated 10.6.15 with copy to the petitioner informed that the office had not received the letter dated 11.1.12 transferring the petition to their office, but mentioned that letter sent by the Under Secretary to the Govt. of Assam, PWD vide No. ADT.340/2010/38 dated 3.8.11, forwarding the petition of Smti. Jamuna Devi praying for pension was received. All the documents and original letter was returned to the Under Secretary vide letter dated 8.9.11, stating that as per office records, Late. P. Nath was previously the staff of Mahur sub-Division and later shifted along with Jeep No. AMA.4903 to Maibong on 19.5.86. In pursuance of Govt. notification No. RBEB.122/84/92 dated 4.4.86 he also mentioned that the SE, PWD

(R&B), Haflong Circle vide letter dated 7.3.15 had requested the Division to submit documents relating to Padmeswar Nath and was informed vide letter dated 12.3.15 that relating documents of Padmeswar Nath was not available and suggested to contact E.E., PWD (B) Division, Haflong.

6. The Commission vide order dated 11.6.15 accordingly directed the E.E., PWD Mahur (R) Division to transfer the RTI application dated 19.12.11 to the E.E., PWD (B) Haflong to take necessary action within 90 days from the date of receipt of the RTI petition from the Executive Engineer, PWD (R ) Division, Mahur and directed the EE, PWD, Mahur (R ) Division to extend full co-operation to his counterpart EE, PWD (B) Division, Haflong in preparing the pension papers, if necessary by restructuring the service book and service records of the deceased employee, if his family is otherwise eligible for such pension. The petitioner again filed non-compliance petition dated 16.11.15 and 3.3.16 and the matter was taken up for hearing on 3.10.16. The petitioner as well as the Executive Engineer, Haflong (B) Division were present. The Executive Engineer, PWD (B) Haflong submitted that the RTI application dated 19.12.11 was not received by him and hence the order of the Commission dated 11.6.15 could not be complied with. He also stated that the ex-driver Late Padmeswar Nath was transferred from the E.E., PWD Mahur (R) Division on 20.5.86 and served in Maibong w.e.f. 1.6.86 to 21.6.88. No record could be traced in the Divisional office nor in Sub-Divisional office of Maibong. A copy of the RTI petition was handed over to the Executive Engineer, PWD Haflong. The Commission directed the EE, PWD Mahur (R) Division and EE, PWD (R) Division, Haflong to co-ordinate and dispose the matter within 30 days.

7. On perusal of records available it is seen that the Executive Engineer, Haflong (R) Division vide letter dated 24.10.16 with reference to order dated 3.10.16 had requested the Executive Engineer, PWD (R&B), Goalpara Division, Addl. Chief Engineer, PWD (R&B) Eastern Zone, Dibrugarh, Executive engineer, PWD ( Road) Nagaon Western Division, Superintending Engineer, PWD (R&B) Central Assam Circle, Nagaon, S.E., PWD, NEC circle, Rehabari, Executive Engineer, PWD, Mahur Division, Executive Engineer, PWD (R&B) Maibong division and Executive Engineer, PWD, Umrangshu NEC (R) Division to provide information in respect of Late Padmeswar Nath, the then W/C Driver for settlement of the RTI case.

8. The petitioner filed a non-compliance petition on 27.2.17 and the matter was heard on 27.3.17 and the public authority were absent without any intimation and was directed to show cause why penalty u/s 20 (1) of the RTI Act, 2005 shall not be imposed on them for their failure to comply with the provisions of the Act and date was fixed for hearing on 3.5.17. During the hearing E.E., PWD Haflong (B) Division made a written submission that they were not aware of the hearing fixed on 27.3.17 as notices were received on 25.4.17 after the hearing. He also stated that the service book of Late Padmeswar Nath could not be re-structure as requisite records were yet to be received. There was no record available for the period 18.2.69 till December, 1981 and he had requested Superintending Engineer, PWD (R&B) Central Assam Circle, Nagaon vide letter dated 24.10.16 followed by reminders to provide the date of joining and details of Padmeswar Nath for disposal of the RTI case. Even the information from the period 1969 appeared to be held by the office of S.E. , PWD (R&B), Nagaon. He was considered as deemed PIO vide order dated 03.5.2017. and directed to furnish details to the E.E., PWD Haflong within 21 days for re-structuring of the service book.

9. It is also seen that the SE, PWD Nagaon (Road) Circle vide letter dated 17.5.17 to the EE, PWD Haflong (B) Division with copy to the Commission and the petitioner informed that he had submitted total pay and TV voucher numbers for the period 1.4.69 to August, 1972. No other documents were found in favour of Lt. Padmeswar

Nath, the then Driver. The miscellaneous Establishment driver Shri Padmeswar Nath was made payment vide Under Secretary, PWD's sanction letter No. P-2E/44/49/14 dated 11.4.69 (as mentioned in the acquittance register of their establishment). From August, 1972, no records regarding drawal of salary was found in their office. A statement prepared on the basis of acquittance register was enclosed with the aforesaid letter for doing the needful.

10. The SE, PWD Nagaon Circle sent a letter dated 18.5.17 to the EE, PWD Nagaon State road Division with copy to the Commission, petitioner and Executive engineer, PWD, Haflong (B) Division. He enclosed a copy of the RTI petition dated 5.5.17 filed by Shri Gobinda Rajbongshi and directed him to furnish clarification in respect of the then driver Padmeswar Nath, who was directed to report for duty vide their office order No. 237 dated 18.2.1969 in the office of the SE, PWD, Nagaon (R ) Circle:-

- (i) To clarify who was the initial appointing authority, who instructed him to join in the office of the SE, PWD;
- (ii) Copy of the joining report of Shri Padmeswar Nath, who had joined in the office of the EE, PWD @;
- (iii) To clarify who maintained the service book of the said driver as no service rules/service book is to be maintained by the office of the SE, PWD as per standing procedure against an attached person.
- (iv) On what basis the driver was allowed to draw his monthly salary in the office of the EE, PWD w.e.f.17.2.69 onwards as the driver was not drawing salary in the office of the EE, PWD.

11. The petitioner vide letter dated 31.5.17 addressed to the SE, PWD, Nagaon ( R) Division stated that vide his RTI petition dated 5.5.17 he had sought for documents w.e.f. Feb/69 to Dec/81, not only salary documents but also other documents like annual increments, leave statement, transfer orders, etc., so that required service book could be re-constructed for availing family pension benefit. He also mentioned that since Lt. P. Nath expired on 21<sup>st</sup> June, 1988 as per records available, the incumbent concerned must have been transferred from the office of the SE to other offices. The petitioner also requested the EE, PWD, Haflong (R) Divn vide letter dated 31.5.17 with reference to SE, PWD, Nagaon (Road) Circle's letter dated 18.5.17 to furnish photocopies of EE, PWD, Haflong (R) Divn. Letter dated 24.10.16, 9.12.16 and 20.1.17, as the same were required in connection with the RTI case of Lt. Padmeswar Nath, Ex-Driver followed by a reminder.

12. The SE, PWD vide letter dated 6.6.17 to the Ex. Engineer, PWD, Nagaon (Road) Division with copy to the Commission and the petitioner stated that the EE, PWD, Nagaon State Road Division had directed the then Driver to report for duty in the office of the SE, PWD vide their order No. 237 dated 18.2.69. As such he was directed to trace out the required order and related information at the earliest as it is a time bound matter.

13. The SE, PWD, Nagaon vide letter dated 13.6.17 informed the petitioner that the photocopy of salary register was enclosed for doing the needful. He however, informed that transfer order or any other relevant records are not traceable in the office of the SE and he may make correspondence with EE, PWD, Nagaon State (Road) Divn, who had directed Shri Padmeswar Nath, to report for duty to the office of the SE, PWD, Nagaon Road Circle. The EE, PWD vide letter dated 7.7.17 informed the petitioner that no documents like service book, service rules in respect of Padmeswar Nath are available in their division, with copy to SE, PWD (R&B) Circle, Nagaon dated 20.1.17 as the matter is already delayed.

14. The EE, PWD Haflong Divn (Building) vide letter dated 28.12.17 informed the Commission with copy to Shri Gobinda Rajbongshi that due to non-availability of supporting documents he was unable to re-construct the service book of Shri Padmeswar Nath, ex-Driver.

15. It therefore, appears that the public authorities concerned have still not been able to furnish the required information till date. It also appears from record that even the letter sent by the Government dated 3.8.11, directing the Ex. Engineer (Road) Division, Mahur to take immediate steps for submission of family pension papers along with supporting documents, indicating the reason for which the family pension could not be released in time to the higher authority has not been acted upon.

16. The main issue appears to be early release of pensionary benefits to the family of the deceased Work charge driver late Padmeswar Nath, if his family is otherwise eligible for such pension. It appears that instead of acting with compassion, the field officials of the PWD in Mahur, Haflong, Maibong and Nagaon indulged in passing the buck to each other without furnishing the actual information as sought for, which resulted in acute financial hardship to the widow of the deceased, who had been running from pillar to post for more than 7 years without getting any information.

17. The Commission views the lapse of non-furnishing of information seriously and directs the Commissioner & Secretary to the govt. of Assam, PW (Roads) Department to personally look into the matter and to co-ordinate with the Chief Engineer, PWD (Roads) and the field officials concerned and ensure furnishing of information to the petitioner within 30 days from the date of receipt of this order.

The report of action taken by him be furnished to the Commission by way of a written statement or by way of deposition on the next date of hearing.

**Fix 1.00 PM on 22.5.2018 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/ NCH. 05/2011/

Dated 13.4.2018

Copy to:

1. The Commissioner & secretary to the Govt. of Assam, Public works (Roads) Department, Dispur, Guwahati-6 for information and necessary action.
2. The Chief Engineer (Roads), PWD, Govt. of Assam, Chandmari, Guwahati-3 for information and necessary action.
3. The Superintending Engineer (R & B), PWD, Central Assam Circle, Nagaon, Assam for information and necessary action.
4. The Executive Engineer, PWD, Haflong (Building Division, Dist. Dima Hasao, Haflong, Assam for information and necessary action.
5. The Executive Engineer, PWD, Haflong (Roads) Division, Haflong, Dist. Dima Hasao, Assam for information and necessary action.
6. The Executive Engineer, PWD (R) Division, Mahur, Dist. Dima Hasao,

Assam for information and necessary action.

7. The Executive Engineer, PWD, Maibong ( R ) Division, Maibong ,Dist. Dima Hasao, Assam for information and necessary action.
8. The Executive Engineer, PWD, Nagaon (R) Division, Dist. Nagaon, Assam for information and necessary action.
9. Shri Gobindra Rajbongashi, Sarbodoi Nagar, house No. 14, Lalmati, Natbam, PO- Basistham, Guwahati-29, Assam for information.
10. Computer Section for uploading in the Website.
11. Office File.
12. Order Book.

Joint Registrar  
Assam Information Commission