

Case No.	DBR.15/2017
Complainant/ Appellant	Sri Anil Kr. Baruah
Respondent	Health & F.W Department
Date of Hearing	03.05.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
03.05.2018

1. The petitioner.Sri Anil Kr. Baruah is absent. He is represented by Sri Bishwa Bijoy Phukan and Sri Arakta Baruah as authorized by him vide letter dated 2-5-2018. The public authority is represented by (i) Sri Mukul Chandra. Gogoi , Secretary, Health & F.W Department, Govt. of Assam accompanied by (ii) Sri K. Choudhury, Joint Secretary, Health & F.W Department and (iii) Sri Utpal Goswami, Deputy Secretary, PWD (Building & N.H).
2. The second appeal petition dated 9-5-2017 is taken up for further consideration in pursuance of this Commission's earlier orders , the last one being dated 2-4-2018.
3. With reference to paragraph-3 of this Commission's last order dated 2-4-2018 the petitioner submitted orally that the payment of Rs. 10,63,435/- has since been received by him from the Executive Engineer, PWD (Building), Dibrugarh. The Deputy Secretary, PWD (Building) Sri Utpal Goswami submitted that the payment has been made to the concerned contractor/petitioner, in pursuance of Hon'ble High Court's order as value for the work executed by the contractor.
4. Secretary, Govt. of Assam, Health & F.W Department has submitted an affidavit dated 2nd May, 2018 stating, interalia, that the payment of Rs. 10,63,435/- has since been made by the Executive Engineer , PWD (NH and Building Division), Dibrugarh to the concerned contractor Sri Anil Kr. Baruah.
5. The representative of the petitioner submitted orally that although they have received the payment for the works done , the petitioner is not satisfied because he has not got a copy of the administrative approval for the up-gradation work of Panitola PHC to CHC under PMGY. To this the Secretary, Health & F.W Department submitted orally that since the scheme under which the up-gradation work was taken up in the year 2001 has since been closed, and the source of fund has ceased to exist, the Department is not in a position

to issue Administrative Approval for the above mentioned work under a discontinued scheme. For the remaining work of up-gradation of Panitola PHC to CHC, the Department has to take a fresh view and take an appropriate decision about the further scope of work depending on source of fund.

6. This Commission would like to recall , as already mentioned in its earlier order dated 12-6-2017, that *there never was any administrative approval for the above mentioned work. Therefore, this Commission is not in a position to direct the concerned authorities to provide copies of a non-existent administrative approval to the petitioner.*

7. For further grievance, if any, the petitioner is free to approach the appropriate competent authority.

8. With the above order, the second appeal petition dated 9-5-2017 is disposed of and the matter is closed.

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ DBR. 15/2017/

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Dated 03.05.2018

Copy to:-.

- 1) Sri Mukul Chandra. Gogoi , Secretary, Health & F.W Department, Govt. of Assam, Dispur, Guwahati-6 for information.
- 2) Sri Utpal Goswami, Deputy Secretary, PWD (Building & N.H), Dispur, Guwahati-6 for information.
- 3) Sri Anil Kr. Baruah, C/O Mr. Bishwa Bijoy Phukan, Near Reliance Trends, Radha Nath Changkakoti Path , Thanachariali, Dibrugar-786 001, Assam for information.
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book.**

Registrar
Assam Information Commission.