

Case No.	MRN.08/2017
Complainant/ Appellant	Dr. Atindra Das
Respondent	SDM&HO, Jhargaon BPHC, Morigaon
Date of Hearing	20.06.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
20.06.2018

1. The petitioner Dr. Atindra Das is present. The public authority is represented by Dr. Soneswar Deoraja, I/c SDM&HO, Jhargaon BPHC and Sri Jyotish Barman as representative of the Joint Director, Health Services, Morigaon District as authorized by the Joint Director, Health Services, Morigaon vide letter dated 14-6-2018.
2. The second appeal petition dated 6-7-2017 is taken up for further hearing in pursuance of this Commission's earlier orders , the last one being dated 25-08-2015.
3. The Joint Director, Health Services, Morigaon submitted a written statement dated 18-6-2018 which is entered into the case records.
4. As regards point 3 and 5 of the RTI petition i.e., the matter of deduction of pay of Dr. Atindra Das and Dr. Gitanjali Kalita for the month of May, 2016 while they were working at Jhargaon BPHC, Morigaon, the Joint Director of Health Services has enclosed with his written statement an attendance sheet for the month of May, 2016, which was signed jointly by the Block Program Manager and I/C SDM&HO of Jhargram BPHC. It transpired in course of todays' hearing that Dr. Atindra Das and Dr. Gitanjali Kalita were working in a District Health Society under NRHM , now named as NHM.
5. Vide a letter dated 24-5-2016 I/c SDM&HO of Jhargaon BPHC asked Dr. Atindra Das and Dr.Gitanjali Kalita to "show cause' for their absence without prior information. Vide his letter dated 26-5-2016 Dr. Atindra Das gave his reply to the show cause notice. Subsequently, vide letter dated 24-10-2016 the I/C SDM&HO of Jhargaon BPHC, Morigaon lodged a complaint to the Mission Director , NHM, Assam reporting about the absence from duty without prior information by Dr.Atindra Das and Dr.Gitanjali Kalita, enclosing their replies to the show cause notice. It was mentioned in the complaint letter dated 24-10-2016 that the replies to the show cause notice was not satisfactory. The Mission Director of NHM, Assam vide letter dated 17-11-2016 requested the Joint Director,

Health Services-cum- Member Secretary, District Health Society, Morigaon District to examine the matter and communicate his findings within 15 days for taking necessary action. It also appears from the records that an inquiry was conducted and a report (without any date) signed jointly by :- (i) District Co-ordinator , NHM, Morigaon, (ii) District Program Manager, NHM (Morigaon)and(iii) SDM&HO-cum-DIO, Bhurbandha BPHC was prepared.. The inquiry report noted that both the above named doctors were absent from duty unauthorizedly on 5th and 16th May, 2016, and that they “illegally” signed the attendance register on the following days. The inquiry report was forwarded by the Joint Director-cum-Member Secretary of District Health Society, Morigaon to the Mission Director, NHM vide a letter dated 6-4-2017 recommending disciplinary action against Dr. Atindra Das and Dr. Gitanjali Kalita.

6. There is , however, no mention in any of the above mentioned correspondence about the pay deduction mentioned point Nos. 3 and 5 of the RTI petition. Who is the competent authority to make such pay deductions, whether approval of competent authority was taken before making such pay deductions, and what are the grounds or criteria for making such pay deductions have not been mentioned by the Joint Director of Health Services, Morigaon, Assam in his W/S dated 18-6-2018 although point No. 3 & 5 of the RTI petitions were already transferred to him by the concerned SDM&HO..

7. It transpired in todays’ hearing that the salaries of Dr. Atindra.Das and Dr. Gitanjali Kalita is paid by the Joint Director-cum-Member Secretary of District Health Society, Morigaon. The salary paying authority is expected to know on what basis he made the pay cuts of Dr.A.Das and Dr. Gitanjali Kalita.

8. The SPIO of the office of Joint Director –cum-Member Secretary of the office of Joint Director , Health Services, Morigaon is , therefore, directed to verify the office records and to furnish the information to the petitioner in respect of point-3 and 5 of his RTI petition, free of cost, within 10 days from the date of receipt of this order, which was pronounced in presence of both the parties.

9. The petitioner Dr.Atindra Das submitted a written statement dated 20-6-2018 stating that he has received the attendance sheets in response to point No. 1 and 2 of his RTI petition dated 17-6-2016. His written statement is entered into the case records. It was , however, noted that in his reply dated 26-5-2016 to the show cause notice dated 24-5-2016 the petitioner mentioned that he attended duties on both the dates for which his pay was deducted on the ground that he was absent without prior information. He denied the allegations of unauthorized absence. Instead he alleged that he is being sought to be victimized by leveling false allegations against him because he refused to sign some false and inflated mileages in the office vehicle log book. He submitted orally that he signed the attendance register on both the days truthfully.

10. This Commission is of the view that these are matters to be looked into by the concerned and competent disciplinary authorities. Since the relevant attendance sheets sought for by the petitioner have been received by him, point Nos. 1 & 2 of the RTI petition are, therefore, treated as disposed and closed.

11. With the above orders the second appeal petition dated 20-5-2017 is disposed of.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar I/c

Assam Information Commission

Memo No SIC/ MRN. 08/2017 /

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Dated 20.06.2018

Copy to:-.

- 1) SPIO of the office of Joint Director –cum- Member Secretary of the office of Joint Director, Health Services, Morigaon for information and necessary action as ordered above.
- 2) Dr. Atindra Das, Jay Durga Medical, P.O- Jagiroad, Morigaon Road, PIN-782410 for information.
- 3) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.**

Registrar I/c

Assam Information Commission.