

Case No.	KP(M).230/2018
Complainant/ Appellant	Sri Pradip Das
Respondent	SPIO O/O Chairman, APDCL, "Bijulee Bhawan"
Date of Hearing	22.05.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
22.05.2018

1. The petitioner Sri Pradip Das is present. The public authority is represented by Sri Saifun Noor. Ahmed , DGM (Law) of the office of M.D., APDCL, Bijulee Bhawan, Guwahati-1.
2. The second appeal petition dated 7-3-2018 is taken up for hearing in presence of both the parties.
3. From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 1-11-2017 before the SPIO of the office of the Chairman, APDCL. The gist of the appeal petition is that the petitioner was a candidate for 1064 posts of Sahayaks under APDCL of which 28 posts were ear-marked for Rangia Electrical Circle. The present petitioner did not figure in the list of selected candidates. Meanwhile, it is stated in the RTI petition , that the Chairman-cum-Managing Director of APDCL ordered a vigilance inquiry by the Chief Vigilance Officer of APDCL to look into the alleged anomalies in the selection of Sahayaks under different electrical circles, including Rangia Electrical Circle.
4. By his RTI petition the petitioner wanted copy of the vigilance inquiry report and other related informations as mentioned in his RTI petition. The SPIO and DGM of APDCL has meanwhile submitted a written statement dated 3-5-2018 stating that the RTI petition was replied to vide letter dated 7-11-2017 copy of which has been enclosed with the W/S. The petitioner was informed that the informations sought for by him relates to WP(C) No. 6282/2017 filed by the petitioner himself before the Hon'ble Gauhati High Court. Information was denied under Section 8(1)(b) of the RTI Act. 2005 on the ground that the matter is sub-judice before the Hon'ble High Court. But it is noted that to deny the information one or more of the elements mentioned under Section 8 (1) (b), i.e., whether the sought for information has been expressly forbidden by any court of law or a tribunal or the

disclosure of which may constitute contempt of Court, have to be present The matter being sub-judice is not one of them.

5. It is also mentioned in the W/S that the petitioner's first appeal petition dated 26-12-2017 was disposed of by the FAA, i.e., CGM (HRA) of APDCL on the ground that it has already been replied to by the concerned SPIO.

6. From the above, it is not clear whether the Vigilance inquiry report sought for by the petitioner and other related documents have been submitted before the Hon'ble Gauhati High Court in connection with the pending review petition before the Hon'ble Court. The SPIO present today could say only up to the point that those documents have been handed over to their Standing Counsel in connection with another Writ Petition filed by another unsuccessful candidate Sri B.Thakuria on the same matter. The SPIO did not have the information whether the Standing Counsel has meanwhile submitted the Vigilance inquiry report and other sought for documents before the Hon'ble Gauhati High Court.

7. In view of the above, the SPIO of APDCL is directed to ascertain the present position of the sought for records from the Standing Counsel and if the Vigilance inquiry report or and any of the other related informations **are yet** to be submitted before the Hon'ble High Court by the Standing Counsel, and if so, furnish copies of those documents to the petitioner within 15 (fifteen) days from the date of receipt of this order, which was pronounced in presence of both the parties.

8. If , however, those documents have already been submitted before the Hon'ble High Court, then the petitioner is directed to obtain copies of those documents, if he so desires by following the relevant rules framed and notified by the Hon'ble High Court for this purpose.

9. With the above order the second appeal petition dated 7-3-2018 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-

Registrar I/c
Assam Information Commission

Copy to:-

- 1) Sri Saifun Noor. Ahmed , DGM (Law) of the office of M.D., APDCL, Bijulee Bhawan, Guwahati-1 for information and necessary action as ordered above.
- 2) Sri Pradip Das, C/O Late Bihu Ram Das. R/O Village-Gurkuchi, P.O & P.S- Rangia Dist- Kamrup, Assam for information
- 3) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.**

**Registrar I/c
Assam Information Commission.**