

<b>Case No.</b>	<b>KP(M)179/2018</b>
<b>Complainant/ Appellant</b>	<b>Sri Dulal Bora</b>
<b>Respondent</b>	Personnel 'A' Department.
<b>Date of Hearing</b>	<b>24.05.2018</b>
<b>Complaint/ Second appeal heard by</b>	<b>Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam</b>

**O R D E R**  
**24.05.2018**

1. The petitioner Sri Dulal Bora is present. The public authority is represented by Sri Prasanta Borkakati, ACS, Deputy Secretary and SPIO of Personnel 'A' Department accompanied by Sri Ankur Sarma, Sr.Administrative Assistant of the Department.
2. The second appeal petition dated 24-7-2017 read with the petitioner's RTI petition dated 30-7-2016 is taken up for hearing in presence of both the parties, in pursuance of this Commission's previous order dated 11-5-2018.
3. The SPIO and Deputy Secretary of Personnel Department has submitted a written statement dated 17<sup>th</sup> April, 2018 . It has been mentioned in the W/S that the original complaint petition No. DB.472/3/16 dated 5-3-2016 and subsequent RTI petition dated 30-7-2016 which were forwarded and transferred by the office of the Chief Secretary, Assam , as already noted in this Commission's previous order dated. 11-5-2018, were misplaced in the Personnel Department and could not be traced out. However, now after receipt of those documents from this Commission along with notice in connection with the instant second appeal case, the Personnel Department has sent those papers to the SPIO of Social Welfare Department vide letter No. AAP.65/2018/19 dated 11<sup>th</sup> April, 2018 for necessary action, i.e., to furnish the sought for information to the petitioner.
4. Going through the case records this Commission is of the view that the petitioner's original complaint petition No. DB. 472/3/16 which was submitted before the Chief Secretary to the Govt. of Assam contained certain allegations against Sri Kumud Kalita, the then Director of Social Welfare.
5. The petitioner followed up his complaint petition dated 5-3-2016 by an RTI petition dated 30-7-2016 filed before the Chief Secretary to the Govt. of Assam seeking the following informations :-

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 5-3-2016 and name of the Inquiry Officer with his designation ;
- (b) names and addresses of the persons mentioned in the complaint petition dated 5-3-2016, and
- (c) photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

6. Sri Kumud Kalita, the then Director , Social Welfare , being an IAS Officer, his controlling and Disciplinary Authority will be the Personnel Department. Therefore any decision to conduct or not to conduct any inquiry against the officer on the basis of the above-mentioned complaint petition dated 5-3-2016 filed by the petitioner Sri Dulal Bora may have to be taken by the Personnel Department.

7. The petitioner Sri Dulal Bora submitted orally that the Directorate of Vigilance and Anti Corruption , Govt. of Assam has already registered a police case No. 19/16 under Section 120(b), 420/468/471/409 of the IPC. The SPIO of Personnel Department said that he is not aware of this.

8. In view of the above, the SPIO of Personnel Department is directed to inform the petitioner within 15 days from the date of this order, which was pronounced in presence of both the parties, whether the State Govt. ordered any inquiry or any State Govt. Agency like the Vigilance and Anti Corruption took up any inquiry against the officer complained against, namely, the then Director of Social Welfare Sri Kumud Kalita and if so, the outcome of such inquiry.

9. Further, if any inquiry or investigation has already been completed , then the SPIO of Personnel Department is directed to obtain a copy of the same and furnish it to the petitioner within 30 (thirty) days from the date of receipt of this order.

10. If, however, the SPIO of the Department has any reservations about furnishing copy of the inquiry report, then he is directed to inform the petitioner accordingly, stating clearly the reasons for his refusal to furnish the inquiry/ investigation report with a copy to this Commission.

11. Fix 29-6-2018, 12.30 P.M for review of action taken.

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

**Authenticated true copy**

**Sd/-**

**Registrar I/c  
Assam Information Commission**

**Memo No SIC/ KP(M). 179/018/**

**A**

**Dated 24.05.2018**

Copy to:-.

- 1) Sri Prasanta Borkakati, ACS, SPIO and Deputy Secretary, Personnel (A) Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 2) Sri Dulal Bora, Koinadhara Tiniali, House No.-118, Khanapara, Guwahati-22 for information .
- 3) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.**

**Registrar I/c  
Assam Information Commission**