

Case No. :No.KP(M) 235/2014
Complainant/ Appellant Sri Dulu Mahanta
Respondent :Assam Public Service Commission.
Date of Hearing :03-10-2018
Complaint/ Second :Shri H. S. Das, IAS (Retd)
appeal heard by :State Chief Information Commissioner, Assam

O R D E R
03-10-2018

1. The petitioner Sri Dulu Mahanta is present. The public authority i.e., APSC is represented by Sri Jitendra Nath Deka, Under Secretary and SPIO of APSC accompanied by Sri Bhaba Ch. Das, Jr. Administrative Assistant, of the same office.
2. It is seen from the case records that vide order dated 17-6-2016 the petitioner's second appeal petition dated 21-3-2014 was disposed of ex-parte in the absence of the petitioner after it was revealed that all the sought for informations were meanwhile furnished to the petitioner.
3. Today the petitioner also made a written submission stating that he received all the sought for informations although much after the stipulated time period.
4. However, the second appeal petition dated 21-3-2014 is again taken up for consideration in pursuance of the direction given at paragraph 10 of Hon'ble Gauhati High Court's order dated 23-5-2018 in WP(C) 3348/2015 in respect of the following two points :-
 - a) Whether there was any delay on the part of APSC in furnishing the informations sought for by the petitioner, and
 - b) If, in fact, there was any delay then whether any penalty needs to be imposed under Section 20(1) of the RTI Act, 2005.
5. The SPIO In charge of APSC has submitted his written submission, dated 25th September, 2018 narrating the actions taken by the concerned SPIOs of APSC to furnish the informations to the petitioner Sri Dulu Mahanta sought for by him vide his RTI petition dated 23-12-2013, which was received in the office of APSC on 2-1-2014. It has been mentioned that the RTI petition was responded to vide letter No. 12APSC/RTI-01/28/2013-14 dated 29th January, 2014
6. The petitioner submitted orally that he received the letter with the enclosed Informations. However, against point No.-1 of the RTI petition the information furnished was in respect of interview for the post of Asstt. Professor (Assamese) in K.K.Handique Govt. Sanskrit College and not for the post of Asstt. Professor of Veda/ Sahitya and Nyaya in K.K. Govt. Sanskrit College.

7. However, from perusal of the written statement it appears that it does not clearly bring out the reasons for the delay, if any, in furnishing the correct and accurate reply in response to the RTI petition dated 23-12-2013.
8. The present SPIO, APSC who appeared today is, therefore, directed to submit an additional / supplementary affidavit giving the names of the SPIOs at the relevant points of time and the reasons for the delay in providing a final and correct information to the petitioner after consulting the relevant office records in which the RTI petition was processed.
9. Put up on 12 November, 2018 at 12.30 PM for review of compliance.

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

Authenticated true copy.

Sd/-
Joint Registrar
Assam Information Commission.

Memo No. SIC/ KP(M).235/2014/

Dated 03-10-2018

Copy to :-

1. Sri Jitendra Nath Deka, Under Secretary and SPIO of APSC , Khanapara, Guwahati-22 for information and necessary action as ordered above.
2. Sri Dulu Mahanta, House No. -49, Geetanagar, P.O- Noonmati, District- Kamrup, Assam PIN-781020 for information
3. Office file..
4. Computer Section for uploading in the Website.
5. Order Book.

**Joint Registrar
Assam Information Commission**