

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. :No.KP(M).540/2018
Complainant/ Appellant Sri Dulal Bora
Respondent :Home Department
Date of Hearing :20-09-2018
Complaint/ Second :Shri H. S. Das, IAS (Retd)
appeal heard by :State Chief Information Commissioner, Assam

O R D E R
20-09-2018

1. The appellant / petitioner Sri Dulal Bora is present. The public authority i.e. the Home Department is represented by Joint Secretary and SPIO Sri Naren Ch. Basumatary, ACS, Govt. of Assam, Dispur, Guwahati-6.
2. The second appeal petition dated 25-9-2017 is taken up for hearing in presence of both the parties.
3. From perusal of the case records it is seen that the petitioner Sri Dulal Bora filed a complaint petition dated 03-4-2017 addressed to the Additional Chief Secretary, Govt. of Assam, Home Department. It is mentioned in the complaint petition that the petitioner sent a petition to Hon'ble Minister, Transport, Assam Sri Chandra Mohon Patowary on 27-3-2017. The said petition was allegedly returned by the Private Secretary to the Hon'ble Minister with the remark that "*Refused by MPA*" The petitioner mentioned in the complaint petition that it is the democratic right of a citizen of India to submit prayer petitions before Hon'ble Ministers.
4. This complaint petition was followed up by an RTI petition dated 25-9-2017 seeking the following informations:-
 - (a) *The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 03-4-2017 and name of the Inquiry Officer with his designation;*
 - (b) *names and addresses of the persons mentioned in the complaint petition dated 03-4-2017, and*
 - (c) *photo copy of the inquiry report submitted by the Inquiry Officer to his higher authorities.*

Since the name of the accused persons are already mentioned in the original complaint petition, furnishing of further informations against point No. 4(b) is not considered necessary. Therefore only point No. 4(a) and 4(c) above are taken up for consideration.

5. The Joint Secretary and SPIO of Home Department submitted a written statement dated 20-9-2018 stating that the original RTI petition was not received in his office as per

records. From the above it appears that the petitioner has not received any information so far in response to his RTI petition dated 25-9-2017

6. It transpired in course of hearing today that Private Secretaries to the Hon'ble Ministers of the State fall within the administrative jurisdiction of the Secretariat Administration (Estt) Department. Govt. of Assam.
7. The SPIO and Joint Secretary of Home Department is , therefore, directed to transfer the RTI petition dated 25-9-2017 along with the original complaint petition dated 3-4-2017 to the SPIO of S. A (Estt) Department within 5 (five) days from this date of this order which was pronounced in presence of the SPIO and Joint Secretary of Home Department.
8. The SPIO of Sectt. Administration (Estt) Department is directed to furnish the sought for informations or provide a suitable reply to the petitioner in respect of para 4 (a) and 4(c) within 30 (thirty) days from the date of the transferred RTI petition in compliance with the relevant provisions of the RTI Act, 2005
9. Put up on 05-11-2018 at 1.30 P.M for review of action taken.

Sd/-

(H. S. Das)

**Chief Information Commissioner, Assam,
Panjabari, Guwahati**

Authenticated true copy.

Sd/-

Registrar I/c

Assam Information Commission.

Memo No. SIC/ KP(M) 540/2018/ .

Dated 20-09-2018

Copy to :-

1. Sri Naren Ch. Basumatary, ACS, Govt. of Assam, Dispur, Guwahati-6. for information and necessary action.
2. SPIO of Sectt. Administration (Establishment) Department, Govt. of Assam, Dispur, Guwahati-6, for information and necessary action as ordered above.
3. Sri Dulal Bora, Koinadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
4. Computer Section for uploading in the Website.
5. Office file.
6. Order Book.

Joint Registrar

Assam Information Commission