

**OFFICE OF THE  
ASSAM STATE INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : SIC/CCR.85/2017  
Appellant : Smt. Noorjahan Begom Mazumder  
Respondent : The SPIO, Office of the Block Elementary Education Officer  
Date of hearing : 16-10-2017  
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)  
State Information Commissioner, Assam

**ORDER**  
16-10-2017

Shri Abul Kalam Mazumdar, S/o Smt. Noorjahan Begom Mazumder has appeared on her behalf. The District Elementary Education Officer, Cachar has submitted a written statement dt. 10-10-2017 that the R.T.I. petition dt. 30-1-2017 was communicated to the D.E.E.O, Lakhipur vide letter dt. 3-2-2017, but the D.E.E.O., Lakhipur disposed of the petition stating that the matter was related to D.E.E.O., Lakhipur vide letter dt. 16-2-2017. He stated that the relevant record have been examined and on perusal of record it was seen that the petitioner filed his R.T.I. petition in connection with the non- release of pensionary benefit of her deceased husband who was an Assistant Teacher of Jirighat Abhinash Mitra M.E. School retired on 31-7-2002 and died on 14-11-2011. For early settlement of the issue, the matter was taken up with the Director, Elementary Education, Assam vide letter dt. 22-09-2017 to accord permission for reconstruction of Service Book and taking further course of action, since no departmental proceedings had been drawn by the Department Authority till date with copy to the petitioner which is still awaited.

On perusal of the R.T.I. petition dt. 30-1-2017, it appears that the petitioner has stated that her husband Late Abdul Mannan Mazumdar was an Asstt. Teacher of Jirighat Abhinash Mitra M.E. School and was placed under suspension vide D.E.E.O., Cachar order dt. 22-8-1994 and was allowed subsistence allowance @ 50% with immediate effect. Thereafter, he was allowed subsistence allowance @ 75% with effect from 22-11-1994 till his retirement dt. 31-07-2012 vide the D.E.E.O, Silchar order dt. 17-3-1998 as per direction of the Hon'ble High Court vide order dt. 07-05-1997. She also stated that during the period of suspension no departmental proceeding was drawn against her husband who retired from service on 31-07-2002 during the period of suspension. After retirement he expired on 14-11-2011. She also stated that the next to kin certificate has been issued from Addl. Deputy Commissioner, Cachar, Silchar vide letter dt. 17-09-2015 in respect of Late Abdul Mannan Mazumder covering all the dependent family members. Owing to non-receipt of any pensionary benefit as well as amount of arrear salary due during suspension period she and her family members are badly suffering for financial crisis in these days of economic hardship.

The Commission observes that there has been considerable delay in furnishing the information to the petitioner. This Commission also of the view that it will be unreasonable to expect the petitioner to furnish documents for reconstruction of the Service Book after

long 15 years before the D.E.E.O., Silchar. This Commission is of the view that the applicant who is the widow of the deceased employee should not be subjected to any further harassment and delay and immediate steps should be taken to resolve the matter under Sec. 54-B of F.R. which is quoted below.

Sec. 54-B

“(1) When a Government servant who has been suspended is re-instated or would have been so re-instated but for his retirement on superannuation while under suspension, the authority competent to order re-instatement shall consider and make a specific order,-

(a) Regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement on superannuation, as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Rule 53, where Government servant under suspension dies before the disciplinary or Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.”

Therefore the S.P.I.O. and the Head of office of the D.E.E.O., Cachar is directed to furnish the information within 21 days from the date of receipt of this order.

They are also directed to show cause as to why penalty U/S. 20 of the R.T.I. Act, 2005 shall not be imposed on them for withholding the above vital information from the petitioner and also to show cause as to why appropriate compensation shall not be ordered in favour of the petitioner for financial losses and other harassment suffered for non furnishing of the information by the S.P.I.O. and the District Elementary Education Officer, Cachar.

The S.P.I.O., office of the Officer of the D.E.E.O., Cachar and the D.E.E.O. Cachar are also directed to appear personally on the next date fixed.

Fix 22-11-2017 for next hearing.

Sd/-

( NiluferAlamHazarika,IAS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati.

Authenticated true copy

Sd/-

Joint Registrar

Assam Information Commission

Memo No. SIC/CCR.85/2017

Dtd. 16-10-2017

Copy to:

1. SPIO, Office of the Block Elementary Education Officer, Lakhipur, Cachar, P.O. Pailapool, Pin - 788023 Assam for information and necessary action.
2. The First Appellate Authority/District Elementary Education Officer, Cachar for information.
3. Smt. Noorjahan Begom Mazumder, W/o Late Abdul Mannan Mazumder, Vill. Algapur Part – II, P.O.- East Algapur, Dist. Cachar, Pin – 788101, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam Information Commission