



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KMJ.54 /2009  
Complainant : Sri A.K. Laskar  
Respondent : The SPIO, O/o the BDO, Patharkandi Dev. Block, Karimganj,  
Dist.- Karimganj, Assam  
Date of hearing : 11.12.2018  
Complaint heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
11.12.2018

Sri Deepak Lala, Block Development Officer (Retd.), Patharkandi Dev. Block and Sri Mihir Ranjan Dhar, Accountant/SPIO are present.

The Appellant/Complainant is absent without information.

Perused the case record. This hearing has been held to afford an opportunity to Sri Deepak Lala, Rtd. BDO, Patharkandi Dev. Block to be heard in accordance with the order as required of the Hon'ble Gauhati High Court dated 26.05.2010 passed in WP(C) 2981/10 Deepak Lala Vs Assam Information Commission and others to the effect that, pending further orders, the impugned orders of the Commission dated 20.03.2010 and the proceeding in the Second Appeal case no. KMJ.54/2009 pending before the Commission should remain suspended. The Court had considered the plea of the Appellant, Sri Lala, that (a) the Appellant had not turned up in the office to receive the information although the same was available, and (b) the impugned order had been passed without affording any opportunity to him (to defend himself).

As required by the Commission, the current SPIO submitted, the list of SPIO(s) with their incumbency dates since receiving the instant RTI Application till date. He submitted that he had taken over as SPIO on 01.08.2018 and as far as he knew the Appellant had not contacted the office regarding the information he had sought for.

The Commission had passed the order dated 24.03.2010 after perusing the Complaint of the Appellant, Sri A.K. Laskar dated 06.03.2010 in which he had stated that despite the orders of the Commission passed on 11.12.2009, the BDO Patharkandi Development Block had not furnished the information nor did he make any correspondence with him (the Appellant). By that order the Commission had decided to impose a penalty of Rs. 25, 000/- on Sri Lala the then BDO of the said Development Block for his failure to furnish the requisite information to the Appellant inspite of the orders of the Commission.

From the perusal of the said order of the Commission, it appears that the same was passed based on perusal of the aforementioned Complaint by the Appellant without hearing the parties. Pursuant to the order of the Hon'ble High Court a hearing was instituted on 27.07.2018 after due notification to Sri Lala and the other concerned parties. However, Sri Lala and others were absent from the hearing. In order to give another opportunity to Sri Lala to be heard in person, a hearing was fixed on 09.11.2018. As the hearing could not be held on that day owing to unavailable circumstances today's date was notified.

Heard Sri Deepak Lala. He submitted that he had not communicated to the Appellant any date for collecting the information from his office and inspecting records understanding that collection of information and inspection of record as ordered by the Commission did not warrant a separate communication from him to the Appellant. He asserted that he had kept the information and records ready for the purpose and had no intention of defying the order of the Commission. He submitted that he was the SPIO at that time for the reason that PD, DRDA, Karimganj was the First Appellate Authority. He added that he retired from Government service in April, 2010. He requested that the Commission considers his case sympathetically and relieves him from the penalty imposed on him.

After a careful consideration of the facts of the case and the submission by Sri Lala, the Commission determines that it would be unfair to uphold the decision of the Commission dated 24.03.2010 imposed the penalty of Rs. 25, 000/- on Sri Lala the then BDO as the same order was passed based on the petition by the Appellant without hearing the parties concerned. Further, although the Commission's proceedings on the Second Appeal had begun and the impugned order passed while Sri Lala was in Government service, the Commission has decided to take a lenient view considering the fact that he had retired more than eight years back. Accordingly, the Commission's said decision imposing penalty on Sri Lala is hereby withdrawn.

With this, **the Second Appeal petition and the review petition are hereby disposed of.**

Sd/-

Pinuel Basumatary IA & AS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

**Memo No. SIC/KMJ. 54 /2009**

**Dtd.11.12.2018**

Copy to:

1. The Chief Executive Officer, Zilla Parishad, Karimganj, Assam for information and necessary action.
2. The BDO, Patharkandi Dev. Block, Karimganj, Dist.- Karimganj, Assam for information and necessary action.
3. The SPIO, O/o the BDO, Patharkandi Dev. Block, Karimganj, Dist.- Karimganj, Assam for information and necessary action.
4. Sri Deepak Lala, Block Dev. Officer (Retd.), Kunchunjunga Nagar, Shiv Kumar Rai Path, Salbari, PO- Sukna, Darjeeling Dist., (West Bengal), Pin- 734 009 for information.
5. The Appellant, Sri A.K. Laskar, General Secretary, Borak Valley Manav Adhikar Sangstha, Vill & PO- Neairgram Pt-II, Dist.- Cachar, Assam for information.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar  
Assam Information Commission