



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/SSM.8 /2018

Appellant : Md. Khairuzzaman

Respondent : The SPIO, O/o the District Agricultural Officer, Dhubri

Date of hearing : 28.11.2018

Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

28.11.2018

The SPIO absent. However, a Written Statement dated 29.10.2018 received from the SPIO and Sub-Divisional Agricultural Officer, Dhubri.

The Appellant absent without information.

Perused the Written Statement. It has been submitted that the RTI Application dated 25.01.2018 from the Appellant and area of the Applicant in the new district of South Salmara Mankachar with a separate establishment. It has been added that the SPIO was not in a position to respond to the said RTI Application.

Perused the case record. It is seen that the Appellant had submitted his Second Appeal dated 19.07.2018 stating that District Agriculture Officer, Dhubri had not furnished him with the information he had sought for. It is further stated that the Appellant had submitted his RTI Application to the DAO, South Salmara Mankachar district mentioning name of the GP, namely, Molakhowa GP. The DAO, South Salmara Mankachar had transferred the Application dated 06.03.2018 U/S 6 (3) of the RTI Act, 2005 without assigning any reason for the transfer. Thereafter, the Appellant submitted First Appeal dated 21.03.2018 to the Deputy Commissioner, South Salmara Mankachar stating that he had not received the information although the stipulated time had passed. It is seen that a hearing on 02.06.2018 had been notified by the Addl. Deputy Commissioner and Appellate Authority of South Salmara Mankachar district. However, the Appellant did not mention whether a decision had been given by the FAA.

In the absence of the parties and any reason for transfer of the Application by the DAO, South Salmara Mankachar to the DAO, Dhubri, the Commission is not in a position to conclude which Public Authority is to furnish the information. Considering this, the Second Appeal case will have to be heard again in which the SPIO of both the DAO, South Salmara

Mankachar district and that of Dhubri shall be present and submit Written Statements. As regards, the FAA the Appellant is directed to note that he had not submitted his First Appeal to the appropriate FAA, the DC not being the appropriate FAA.

Fix another date of hearing.

Notify all concerned.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/SSM.8 /2018

Dtd.28.11.2018

Copy to:

1. The SPIO, O/o the District Agricultural Officer, Dhubri, Assam for information and necessary action.
2. The SPIO, O/o the District Agricultural Officer, South Salmara Mankachar district, Assam for information and necessary action.
3. The First Appellate Authority/office of the Deputy Commissioner, South Salmara Mankachar, Hatsingimari, Assam for information.
4. The Appellant, Md. Khairuzzaman, Vill- Molakhowa, PO & PS- Sukchar, Dist.- South Salmara Mankachar, Pin- 783 128, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

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