



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

Case No. : KP(M).834/2018
 Complainant/ Appellant : Sri Dulal Bora
 Respondent : SPIO of the office of the Chief Minister of Assam.
 Date of hearing : 04/01/2019.
 Complaint/ Second : Shri H. S. Das, IAS (Retd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

04.01..2019

1 The petitioner Sri Dulal Bora is absent without any information. The public authority, i.e., office of the Chief Minister, Assam is represented by Sri Niranjan Bora, Deputy Secretary & SPIO accompanied by Sri Prabal Jyoti Medhi. The second appeal petition dated 27.3.2018 read with the RTI petition dated 10.10.2017 is taken up for hearing ex-parte in absence of the petitioner. On perusal of the case records it is seen that the petitioner filed a complaint petition dated 27.3.2017 before the Hon'ble Chief Minister of Assam. The gist of his complaint was that the post of Managing Director of Assam State Transport Corporation is meant for Assam Civil Services officers. The complaint petition mentioned that by an order dated 18.8.2016 an IPS officer Sri Anand Prakash Tiwari was posted as Managing Director of ASTC. The complaint petition also mentioned some adverse comments purportedly made by the Assam Police Accountability Commission against Sri Tiwari. In his complaint petition Sri Dulal Bora requested Hon'ble Chief Minister of Assam to send Sri Anand Prakash Tiwari away from Assam to some other State on deputation. The petitioner followed up the complaint petition mentioned above by an RTI petition dated 10.10.2017 as well as first appeal petition dated 12.1.2018 and the instant second appeal petition dated 27.3.2018.

2 By the RTI petition the petitioner sought the following informations :-

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 27.3.2017 and name of the Inquiry Officer with his designation;
- (b) Names and addresses of the persons mentioned in the complaint petition dated 27.3.2017, and
- (c) Photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

3. Today the SPIO of Chief Minister's Secretariat submitted a written statement dated 4.1.2019 stating the petitioner's RTI petition dated 10.10.2017 and before that the complaint petition dated 27.3.2017 – both were transferred to the Transport Department for taking necessary action.

4. This Commission observed that in his complaint petition dated 27.3.2017, nowhere did the petitioner mention that he wanted an inquiry against Sri Anand Prakash Tiwari. His request before the Hon'ble Chief Minister was to send Sri Tiwari away to some other State on deputation. Therefore the information sought for by the petitioner vide his RTI petition dated 10.10.2017 is totally out of context and out of tune with the complaint petition.

5. This Commission also observed that the Chief Minister's office simply transferred the RTI petition although it could have been summararily disposed of. The CMO could have easily informed the petitioner that his RTI petition dated 10.10.2017 did not have any bearing with his complaint petition dated 27.3.2017. The SPIO of CM's office is directed to do so within seven days from the date of this order and close the matter.

6. With the above order the second appeal petition is disposed of.

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). 834/2018/

Dated. 04.01..2019

Copy to:

1. The SPIO of Chief Minister's office, Govt. of Assam, Dispur, Guwahati – 6 for information. and necessary action.
2. Sri Dulal Bora, Koinadhara Tiniali, House No.118, Khanapara, Guwahati 22.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar i/c
Assam Information Commission