



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

Case No. : KP(M).235/2014  
Complainant/ appellant : Shri Dulu Mahanta  
Respondent : SPIO of Assam Public Service Commission, Guwahati-22  
Date of hearing : 14.12.2018  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**  
14.12.2018

1. The petitioner Shri Dulu Mahanta is present. The public authority, i.e. the Assam Public Service Commission (APSC) is represented by the Under Secretary and SPIO Shri N.K. Das and Jr. AA, Shri B.C. Das. The Second appeal petition dated 21.3.2014 is taken up for further consideration in pursuance of this Commission's earlier order dated 3.10.2018 and 12.11.2018. The SPIO of APSC submitted an affidavit dated 3<sup>rd</sup> December, 2018, which is entered into the case records.

2. The gist of the affidavit is that the RTI petition dated 23.12.2013 of the petitioner was already replied to by the then SPIO of APSC, Mrs. Biva Sarma, since retired, vide letter dated 29.1.2014. Thereafter the petitioner filed first appeal petition dated 15.2.2014 before the then Secretary, APSC, Shri T.M. Sarma, since retired. The petitioner mentioned in his first appeal petition that he was not furnished correct and complete informations. The FAA directed the SPIO to furnish the information/documents by registered post. It appears that instead of furnishing the correct and complete informations in compliance of the first appellate authority's order, the SPIO informed the petitioner vide letter dated 19.2.2014 that informations sought for by him were already furnished vide letter dated 29.1.2014. Thereafter the petitioner filed WP(C) No. 3348/2015 in Hon'ble High Court on 26.5.2015. The WS mentions that only after filing of the WP© petition, the concerned SPIO Smti. B. Sarma and the Sr. AA, Shri S.L.Kakati came to know from the advocate and Standing Counsel of APSC that the informations furnished earlier were incorrect. Realising their mistakes they furnished the correct and complete informations to the petitioner vide letter dated 12.6.2015 and 18.6.2015.

3. (a) At paragraph 9 of the affidavit, the SPIO has mentioned that before knocking the door of the High Court if the petitioner had informed the APSC that the informations furnished to him vide letters dated 29.1.2014 and 19.2.2014 were incorrect, then the Commission would have taken necessary corrective measures to furnish the correct and complete information.

(b) This argument of APSC does not seem to hold good. In the second appeal petition dated 21.3.2014 the petitioner mentions that he did not receive APSC's letter dated 29.1.2014. He received the informations from the APSC vide their letter dated 19.2.2014 after filing the first appeal petition on 15.2.2014. In his first appeal petition he

only mentioned that till then he had not received any information from the APSC. Being not satisfied with the informations received, the petitioner filed second appeal petition dated 21.3.2014 before this Commission. The petitioner submitted that the informations furnished vide APSC's letter dated 12.6.2015 and 18.6.2015 were also not correct. He challenged the APSC before the Hon'ble High court on this ground and finally on directions from the Hon'ble High Court, he got the correct informations sought for by him on 23.5.2018, the date of the Hon'ble High Court's order.

4. From the above, it appears that the averment made by the SPIO of APSC in paragraph 7 of the written affidavit is not correct. He is therefore, directed to give clarifications on this point, with supporting documents to substantiate his point, within 31<sup>st</sup> December, 2018 and also give the names of the officers who performed duties of SPIO of APSC from 23.3.2013, i.e. the date of the RTI petition till 23.5.2018, the date of Hon'ble High Court's order.

5. **Fix 12.30 PM on 11.01.2019 for next hearing.**

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Joint Registrar  
Assam Information Commission

Memo No. SIC/ KP(M).235/2014/

Dated. 14.12.2018

Copy to: 1. The SPIO Assam Public Service Commission, Khanapara, Guwahati- 22 for information and necessary action.  
2. Shri Dulu Mahata, House No. 49, Geetanagar, Noonmati, Guwahati 20 for information. .  
3. Computer Section for uploading in the Website.  
4. Office File.  
5. Order Book

Joint Registrar

Assam Information Commission