



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

Case No. : KP(M).1161/2018
Complainant/ appellant : Md. Anisur Rahman – **Present**
Respondent : SPIO of Environment & Forest Department,
Govt. of Assam –**absent**
Date of hearing : 25.04.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
25.04.2019

1. The SPIO and Joint Secretary of Environment & Forest Department has sent a written submission dated 25.4.2019 praying for re-fixation of the date of hearing as the SPIO is unable to attend today's hearing for an urgent proceeding before the National Green Tribunal. In his written statement, the SPIO has mentioned that vide letter No. FRM.82018/15 dated 6.1.2017 the petitioner was informed that the related file was under process in Judicial Department and that the required informations will be furnished after receipt of the file. Thereafter no information appears to have been furnished to the petitioner in response to his RTI petition dated 5.12.2016. The petitioner submitted orally that he has not received any information so far from the concerned SPIO.

2. From perusal of the RTI petition dated 5.12.2016 it is seen that the petitioner was placed under suspension. Later vide an order dated 7.1.2018, pending drawal of departmental proceedings he was reinstated in service with immediate effect treating the period of suspension as on duty for all purposes. This order was signed by the Commissioner & Secretary to the Govt. of Assam, Environment and Forest Department, Accordingly, as stated by the petitioner orally, he drew full salary for the period of suspension. The petitioner further submitted orally that DP was drawn subsequently and it is still continuing.

3. Later, vide notification No. FRE.16/2001/Pt. 251 dated 16.3.2009, the Joint Secretary of the E&F Department passed another order reinstating the petitioner Shri Anisur Rahman in service pending disposal of departmental proceedings. There was no mention in this order about treating the period of suspension as on duty. The petitioner also submitted that this order dated 16th March,2009 was received in the office of the PCCF & HoFF on 23.3.10.

4. This Commission is of the view that furnishing of the following informations will meet the requirement of RTI petition dated 5.12.2016:-

- (i) Whether the notification no. FRE.16/2001/Pt./251 dated 16.3.2009 signed by the Joint Secretary, Environment & Forest Department in partial modification of earlier order vide notification no.

FRE.16/2001/Pt/50 dated 7.1.2008 signed by the Commissioner of the E&F Department, had the approval of higher authority.

- (ii) When the notification dated 16.3.2009 was sent to the PCCF & HoFF.

5. This Commission is of the view that both the above informations will come out clearly if the appellant is allowed to inspect the relevant file which seems to be pending with the Judicial Department for more than past two years.

6. The SPIO of Environment and Forest Department is, therefore, directed to recall the file from the Judicial Department and fix a date and time during office hours on any working day within 20 days from the date of receipt of this order for inspection of the relevant portion of the file u/s 2(j) (i) and (ii) of the RTI Act, 2005. The appellant shall be allowed to inspect the relevant records and documents sought for by him and take notes and photocopies of relevant documents and note sheets free of cost upto 20 copies and thereafter against payment of Rs. 2.00 for every additional page of photocopy.

With the above order the second appeal petition dated 11.9.2017 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).1161/2018/

Dated. 25.04.2019

- Copy to: 1. The SPIO & Joint Secretary of Environment & Forest Department, Govt. of Assam, Dispur, guwahati-6 for information and necessary action.
2. Md. Anisur Rahman, House No. 47, Namghar Path, Near Panjabari Masjid, Panjabari, Guwahati-37 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book

Registrar i/c

Assam Information Commission