

Case No	: KP(M).763/2018
Complainant/ Appellant	: Sri Dulal Bora
Respondent	: The SPIO of Chief Minister's Office, Govt. of Assam The SPIO of Personnel Department. Govt. of Assam
Date of hearing	: 10.05.2019
Complaint/ Second	: Shri H.S. Das. IAS (Retd)
Appeal heard by	Chief Information Commissioner, Assam

10.05.2019

1. The appellant Sri Dulal Bora is present. The public authority is present and represented by Sri Niranjan Bora, Deputy Secretary and SPIO of Chief Minister's Office accompanied by Sri Prafulla Ch. Sarma, Sr.AA of Chief Minister's Office and Smti Sharmila Baishya, Under Secretary and SPIO of Personnel Department accompanied by Smti. Ankita Baruah, Jr. AA of the same department.
2. The second appeal petition dated 27.3.2018 read with the RTI petition dated 10.10.2017 and the first appeal petition dated 12.1.2018 is taken up for hearing in presence of both the parties. It is seen from the case records that the RTI petition mentioned above was transferred by Chief Minister's Office to the SPIO of Personnel Department vide letter dated 04.12.2017 along with a complaint petition dated 11.7.2017 with reference to which the petitioner filed his RTI petition. The SPIO of Chief Minister's Office has submitted a written statement dated 9.5.2019 stating the above fact with relevant enclosure. His written statement is entered into the case records.
3. The Under Secretary and SPIO of Personnel Department has also submitted a written statement dated 9.5.2019 which is also entered into the case records. It has been mentioned in the written statement that the petitioner Sri Dulal Bora filed a complaint petition number D.B.-999/10/17 dated 11.7.2017 before the Hon'ble Chief Minister of Assam containing the some allegations against the then Deputy Commissioner Jorhat, District Sri Solanki Vishal Vasant .He followed it up by an RTI petition number 54321/17/(R) dated 10.10.2017. This is the RTI petition based on which the instant second appeal petition dated 27.3.2018 is being heard. The SPIO of Personnel Department has mentioned in her written statement that the same petitioner, Sri Dulal Bora filed the same compliant petition number D.B.-999/10/7 dated 11.7.2017 before the Personnel Secretary Govt. of Assam, followed by another RTI petition number D.B.54106/17/(R) dated 10.10.2017 seeking the same information, which is mainly action taken report on the complaint petition. The SPIO and Under Secretary of Personnel Department has mentioned that the RTI application number D.B.-54106/17/(R) dated 10.10.2017, which is identical with other RTI petition number 54321/17/(R) of the same date, was already replied to vide Personnel Department's

letter No. AAP 345/2017/57 dated 14.12.2017. By the letter dated 14.12.2017 the petitioner was simply informed that his allegation letter number D.B.-999/10/7 dated 11.7.2017 was put up in file number AAP.261/2017. In the written statement dated 9.5.2019, the SPIO has mentioned that no inquiry has been initiated on the allegation petition submitted by Sri Dulal Bora till date. The informations sought for by the petitioner vide his RTI petition dated 10.10.2017 were the following –

- (a) the file number from which inquiry was ordered, the name of the Inquiring Officer and present posting of the Inquiring Officer,
- (b) names and addressed of the accused persons, and
- (c) copy of the Inquiry report

4. This Commission notes that information with regard point no 3 (b), .i.e. the names and address of the allegedly accused persons, have been mentioned by the petitioner himself in his original petition dated 10.10.2017. Therefore, this part of the RTI petition appears to be redundant.

5. In view of the submission made by the SPIO of Personnel Department that no inquiry into the allegations have been made so far, the SPIO has no further information to furnish in respect to 3(a) and 3(c) also. The appellant prayed for a copy of SPIO's written statement dated 9.5.2019. His prayer is granted and a copy of written statement was furnished to the appellant.

6. In view of the above, there seems to be no further cause of action and hence the second appeal petition dated 27.3.2018 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioners, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/KP (M).763/2018

Dated. 10.05.2019

Copy to:

1. The SPIO of the Office of the Chief Minister's Office, Janata Bhawan, Guwhati-06 for information.
2. The SPIO of the Office of the Personnel Department, Dispur, Guwahati-06 for information.
3. The Petitioner, Sri Dulal Bora, Kainadhara Tiniali, House No.-118, Khanapara, Dist- Kamrup(M), Guwahati-781022.
4. Computer Section for Uploading in the Website.
5. Office File
6. Order Book

Registrar i/c
Assam Information commission