



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DRN.12 /2019
Appellant : Sri Munmun Saikia
Respondent : The SPIO, O/o the Block Elementary Education Officer,
Dalgaon Sialmari Education Block, Darrang
Date of hearing : 03.05.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

03.05.2019

Sri Tarun Saikia, Inspecting Auditor, office of the DEEO, Darrang as deputed by Dr. Jawahira Tabassum, DEEO, Darrang is present. He submitted a Written Statement dated 30.04.2019 from the DEEO.

The Appellant, Sri Munmun Saikia is present. He submitted that he had not received the information he had sought for through his RTI Application dated 05.09.2018.

Perused the Written Statement and heard the DEEO's depute. The RTI Application dated 05.09.2018 was transferred to the BEEO, Dalgaon who in turn transferred it to the Head Teacher, Barkur L.P. School through a letter dated 17.09.2018 directing him to furnish the information directly. The First Appeal dated 22.11.2018 was heard by the DEEO, Darrang on 27.12.2018 and disposed of with the decision that Md. Azgar Ali, Head Teacher, Barkur L.P. School on whom the information was sought for would furnish the same to the Appellant within 3 days from the date of receipt of the order. Further, it was ordered that, since the said Head Teacher had not furnished the information so far and was absent in the hearing the BEEO, Dalgaon would initiate necessary action against him if required information was not furnished to the Appellant within the stipulated time. The BEEO, Dalgaon directed the said Teacher in writing on 11.02.2019 to furnish the information within 5 days and stating that non-compliance would be considered as violation of "service protocol" and disciplinary action initiated against him. Further, action was taken by the BEEO by withholding salary of Md. Azgar Ali starting from salary of March, 2019. The action taken was intimated to the Appellant through a letter dated 22.04.2019.

The submission as above and perusal of the case record indicates that as observed by the Commission in the cases of Second Appeal nos. SIC/DRN.40/2018 and SIC/DRN.5/2019 heard on 21.08.2018 and 19.03.2019 respectively, the BEEO, Dalgaon has committed an error

in transferring the RTI Application to the individual on whom the information was sought and in asking him to furnish the information directly. The information ought to be in the custody of the Public Authority and furnished to the Appellant.

In view of the facts brought out above, **the Commission hereby orders that the BEEO, Dalgaon Sialmari Block shall furnish the information to the Appellant, free of cost, within 10 days of receiving this order.**

Further, the Commission hereby directs the DEEO, Darrang to have the status of maintenance of record in the office of the BEEO, Dalgaon inspected to determine whether official records were being maintained according to the system prescribed in this behalf and do the needful in removing the deficiencies/anomalies that might be noticed during such inspection.

With the above direction, the Second Appeal is hereby disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/DRN.12 /2019

Dtd.03.05.2019

Copy to:

1. The SPIO, O/o the Block Elementary Education Officer, Dalgaon Sialmari Education Block, Darrang, Dist- Darrang, Assam, Pin- 784 126 for information and necessary action.
2. The SPIO, O/o the District Elementary Education Officer, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information.
3. The First Appellate Authority/District Elementary Education Officer, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information.
4. The Appellant, Sri Munmun Saikia, S/o- Sri Rupdhan Saikia, Vill- Solpam, PO- Dhekipara, PS- Sipajhar, Dist.- Darrang, Assam, Pin- 784 145 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission