



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).849 /2018
Appellant : Sri Dulal Bora
Respondent : The SPIO, O/o the Finance Department, Government of Assam, Dispur, Guwahati- 6
Date of hearing : 02.04.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

02.04.2019

Md. Fulbar Ali, Deputy Secretary and SPIO, Finance Department is present along with Sri Manoj Malakar, Junior Assistant.

The Appellant has sent an apology by e-mail for his absence and requested to fix another date for hearing.

Perused the case record. The Appellant had filed his Second Appeal dated 04.12.2017 stating that he was not satisfied with the response received from the SPIO. The Appellant had sought information on action taken on his representation dated 13.10.2015 made to the Principal Secretary, Finance Department regarding engagement and transfer of a contractual CDPO in the Social Welfare Department. The ASPIO had given a reply dated 03.02.2017 that the information was exempted U/S 8 of the RTI Act, 2005.

Considering the fact that the SPIO is present and the case was listed for hearing on 01.02.2019 which was adjourned to today on request from both the parties, the Commission decided to go ahead with the hearing proceedings *ex parte* of the Appellant.

Heard the SPIO. He submitted that while the reply was given by his predecessor is inappropriate the Appellant too had made an error in seeking information from his Department instead of from the relevant department.

From the above, it is seen that the Appellant ought to have indeed sought the information from the Social Welfare Department instead of from the Finance Department. His Application to an inappropriate department has not only deprived him from the information so far but also has created unnecessary work for the SPIO of the Finance Department as well as for the Commission. Further, the Commission observes that the ASPIO and Nodal Officer, RTI Cell of the Finance Department did not deal with the RTI Application with the seriousness it

demand. He was clearly wrong in claiming exemption of the information from disclosure U/S 8 of the Act without citing the relevant Sub-Section(s) with adequate reasoning. Instead of furnishing this erroneous response he ought to have either transferred the Application to the relevant department or advised the Appellant to apply to that department himself.

Considering the merit of the case, **the Commission determines that the instant Second Appeal case is not maintainable and this therefore disposed of. However, the Appellant shall be at liberty to seek the information from the concerned Department.**

Further, the respondent Public Authority is hereby advised to exercise more with diligence in dealing with RTI Applications henceforth in accordance with the said Act.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).849 /2018

Dtd.02.04.2019

Copy to:

1. The SPIO, O/o the Finance Department, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
2. The First Appellate Authority/office of the Finance Department, Government of Assam, Dispur, Guwahati- 6 for information.
3. The Appellant, Sri Dulal Bora, Kainadhara Tiniali, House No.- 118, Khanapara, Guwahati- 781 022 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission