



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

Case No.	KP(M)369/ 2019
Complainant/ Appellant	Sri Joydeb Das.
Respondent	: SPIO of A.H. & Vety. Department, Govt. of Assam.
Date of hearing	21.06.2019
Complaint/ Second	: Shri H. S. Das, IAS (Retd)
Appeal heard by	Chief Information Commissioner, Assam

O R D E R
21.06.2019

1. The appellant Sri Joydeb Das is present. The public authority, i.e., the Animal Husbandry & Veterinary Department is represented by Smti Dipali Devi, Joint Secretary and SPIO of the department. The second appeal petition dated 12.10.2018 read with RTI petition dated 9.7.2018 is taken up for hearing in presence of both the parties.
2. On perusal of the case records it is seen that by his RTI petition dated 9.7.2018 the petitioner sought copies of memorandum of charges, statement of allegations, written statement filed by the delinquent official, inquiry report and order passed by the disciplinary authority and the appellate authority in the departmental proceeding case against Sri Haren Buragohain, who was working as in-charge Director of Dairy Development at the time of filing the RTI petition. The concerned SPIO submitted orally that so far no information could be furnished because the relevant file is at present with higher authorities. The SPIO submitted orally that there is a department proceeding against Sri Haren Buragohain. In the meantime, some more allegations came against him and they were added to the ongoing DP case.
3. From the oral submissions of the SPIO it has come to light that the DP against Sri Haren Buragohain is continuing. She further submitted that so far the ongoing DP is concerned, the RTI applicant is a third party. She also submitted that disclosure of informations sought for by the petitioner may prejudice and impede the process of investigation in course of the ongoing DP, and therefore, under Section 8(i)(h) of the RTI Act, 2005, disclosure of the sought for informations are exempted.

4. In view of the above, the SPIO of AH & Vety. Deptt. is directed to recall the relevant file and examine the relevant documents like, statement of allegations, charge sheets, etc., and ascertain whether by virtue of the nature of the allegations and charges the sought for informations are not disclosable under Section 8(i)(h) of RTI Act, 2005. The SPIO is directed to take a decision in compliance with Section 7 of the RTI Act, read with Section 11 relating to third party information, and communicate her decision to the petitioner within 30 days from the date of receipt of this order.

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)369/2019

Dated 21.06.2019

Copy to:

1. The SPIO of Animal Husbandry & Veterinary Department, Dispur, Ghy-6 for information. and necessary action.
2. Sri Joydeb Das, S/o Late Karunamoy Das, House No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatasil, Guwahati 781025.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar i/c
Assam Information Commission