



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

Case No. : KP(M).340/2019
Complainant/ appellant : Shri A.K. Laskar
Respondent : SPIO of Transport Department, Govt. Govt. of Assam
Date of hearing : 29.7.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
29.7.2019

1. The appellant Shri S.K. Laskar is present. The public authority is represented by:- (i) Shri Salamuddin Ahmed, Joint Secretary and SPIO of Transport Department, Govt. of Assam (ii) Shri Musfiquir Rahman, Joint Director and SPIO of Directorate of IWT, Assam and (iii) Shri Diganta Baishya, Sr. AA of the Transport Department. The second appeal petition dated 7.6.2018 was taken up for further consideration in pursuance of this Commission's order dated 12.7.2019.

2. The petitioner Shri A.K. Laskar submitted orally that although the SPIO of Transport Department submitted before this Commission on 12.7.2019 that some informations were furnished to the petitioner and that he was asked to deposit Rs. 30.00 as cost of photocopy of the remaining informations, the petitioner did not receive any such information or communication from the Transport Department. The Joint Secretary and SPIO of Transport Department submitted a written statement dated 11th July, 2019 enclosing copy of their letter dated 30th January, 2018 addressed to the petitioner Shri A.K. Laskar stating that vide their letter dated 11th January, 2018 transferred the point Nos. 4,5 and 6 of the RTI petition to the SPIO of Directorate of IWT. The Joint Secretary and SPIO also placed photocopy of their office issue register showing that the above mentioned letter was actually issued.

3. As regards point no. 8 of the RTI application, the Joint Secretary and SPIO of Transport Department submitted orally that there is no such order or approval as presumed by the appellant because AICTE's approval for promotion to the post of Executive Engineers is not required. The appellant stated that as per his knowledge such order exists.

4. After examination of the RTI petition, this Commission is of the view that the informations requested by the petitioner/appellant relate to service matters of three public servants who are working in the Transport Department as Executive Engineers. Matters like educational qualifications, appointment, promotion, etc. of public servants are informations to be made available in the public domain. They also fall within the ambit of the section 4(i) (b)(xviii) which are to be disclosed suo motu. Moreover, since the information is in relation to Inland Water Transport service, where technical qualification and professional competence of the engineers of the Directorate is a matter

of vital public interest. Information on such matter cannot be withheld or denied to any citizen on the ground of being third party information or personal information.

5. The SPIO of Transport Department is therefore, directed to allow the petitioner to inspect the relevant records and documents during office hours on any working day within 15 days from the date of this order which was pronounced in presence of both the parties subject to the following stipulations:-

(a) As regards point no. 8 of the RTI petition, the petitioner has to produce a relevant document before the SPIO in support of his contention that AICTE's approval is required for promotion to the posts of Executive Engineer or Asstt. Engineers,

(b) As regards point no. 9 of the RTI petition, the SPIO of Transport Department orally submitted that only for initial appoint to gazetted posts APSC's advertisement is required. For any promotional post no such advertisement is required.

The SPIO is directed to provide copies of advertisement, as may be applicable and necessary.

(c) Since the SPIO of Transport Department requested the petitioner to deposit the cost of photocopies within a period of 30 days from the date of receipt of request for information, the petitioner is directed to furnish the required cost of photocopies at the rate of Rs. 2.00 per page of photocopy.

6. With the above orders the second appeal petition dated 7.6.2018 is disposed.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.



Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).340/2019/

Dated. 29.7.2019

- Copy to: 1. The Joint Secretary and SPIO, Transport Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
2. The Joint Director and SPIO of the Directorate of Inland Water Transport, Govt. of Assam, Fancy Bazar, Guwahati-1 for information and necessary action.
3. Shri A.K. Laskar, ACRDO, C/o- Khairat Ali Ahmed, Sijubari, Minhaj Path, House No. 18, Hatigaon, Guwahati -38 for information and necessary action as ordered above.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book



Registrar i/c
Assam Information Commission