

**ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

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**Case No.** : **BGS.09/2016**  
**Complainant/ Appellant** : **Sri Ajay Kr. Rakshit**  
**Respondent** : **Chief Secretary, Assam**  
**Date of Hearing** : **8-3-2017**  
**Complaint/ Second** : **Shri H. S. Das, IAS (Retd)**  
**appeal heard by** : **State Chief Information Commissioner, Assam**

**O R D E R****8-3-2017**

The petitioner Sri Ajay Kr .Rakshit , “Law Secretary” Advisory Board, Asom Garkaptani Shramik Santha, Barama, Baksa is present. He is accompanied by one (1) Sri Surendra Nath Das and (2) Sri Ajit Das to assist him . The public authority is represented by Ms. Keerthi Jalli, S.O to Chief Secretary and SPIO of Chief Secretary’s office.

2. The second appeal petition , dated 28-1-2016, which was inadvertently mentioned as a complaint petition in this Commission’s notice dated 20<sup>th</sup> February, 2017, is taken up for hearing with reference to the petitioner’s RTI petition dated 18-6-2015 and first appeal petition dated 28-10-2015 in presence of both the parties.

3 At the outset , this Commission wanted to know from the petitioner about the authenticity of the organization called ‘Asom Garkaptani Shramik Santha’, (AGSS), Barama , Baksa which he claims to represent , and on whose letter head he filed his RTI petition and subsequent appeal petitions using the seal of “Law Secretary” , Advisory Board, Asom Garkaptani Shramik Santha, Barama, Baksa.

4. This Commission informed him about the report dated 15-12-2016 received by the Secretary of this Commission from the Superintendent of Police, Baksa District. The Superintendent of Police, Baksa reported that there is no organization called Assam Garkaptani Shramik Santha, Barama, Baksa and that Sri Ajay Kr. Rakshit is the self-styled “Law Secretary” of the said Advisory Board of Assam Garkaptani Shramik Santha. The S.P also reported that the organization of Sri Ajay Kr. Rakshit is a One-man Organization created by himself for his self-interest. Police verification revealed that the full name , address and actual identity of the RTI applicant Sri Ajay Kr. Rakshit is that he is about 78 years of age, son of Lt. Hirendra Kr. Rakshit, SS-Qr No.-II , PWD (NH) Colony, P.O- Barama, Dist-Baksa. Sri Ajay Kr. Rakshit retired from service as S.O Gr-II from PWD, Rangia, N.H Division in 1998 although he

continues to occupy the Govt. Quarter long after retirement. Even after he was given sufficient time, Sri Ajay Kr. Rakshit could not produce before Police any documents, regarding :-

- i) AGSS Registration/ recognition paper,
- ii) List of Members of the Executive Committee/ portfolio holders,
- iii) Affiliation to other recognized labour unions,
- iv) Constitution/ aims and objectives in respect of AGSS.
5. The Superintendent of Police, Baksa enclosed reports

from Executive Engineer, PWD (NH) Division and from Asstt. Executive Engineer, Barama Rural (Road) subdivision, Barama. Both these PWD Officers informed the, inspector Officer-in-charge, Barama Police Station that they were not aware of the existence of AGSS. From the report of S.P., Baksa, it appears that Asom Garkaptani Shramik Santha, which Sri Ajay Kr. Rakshit claims to represent as the "Law Secretary" of its Advisory Board *is a fake and fictitious* one.

6. After quoting the police report, when the petitioner was asked if he would like to make any submissions, Sri Ajay Kr. Rakshit hurriedly left the hearing room without making any submission.

7. The Commission next asked Sri Ajit Das about his identity. He gave a signed written statement stating that he is a Junior Assistant in the Soil Conservation Department, Nalbari and that he is a Member of the Advisory Board of All Asom Garkaptani Shramik Santha, Barama, District- Baksa. In the absence of Sri Ajay Kr. Rakshit he refused to make any submission.

8. Thereafter, the Commission asked Sri Surendra. Nath Das if he has any submission to make. He deposed orally that the RTI application dated 18-6-2015 and the subsequent appeal petitions including the second appeal petition dated 28-1-2016 concerns him. The subject matter of the RTI petition is his prayer dated 27-3-2000 for appointment on compassionate ground as Soil Conservation Field Worker (SCFW)- Gr-III in the office of the Divisional Officer, Soil Conservation, Nalbari, after the death of his father Late Debendra Nath Das, on 19-2-2000, ex-SCFW who worked as a SCFW in the office of the Divisional Officer, Soil Conservation, Nalbari.

9. From perusal of the case records it is seen that Sri Surendra Nath Das's application dated 27-3-2000 for appointment on compassionate ground was forwarded by the Divisional Officer, Soil Conservation Division, Nalbari to the Director, Soil Conservation, Govt. of Assam on 4-4-2000. The said application was thereafter forwarded by the Director, Soil Conservation to the Deputy Secretary, Soil Conservation Department, Govt. of Assam by a letter dated 17-5-2000.

10. Available case records reveal that a prayer from Sri Surendra Nath Das, son of Late Debendra Nath Das, Ex- SCFW was forwarded also by the Joint Secretary to the Govt. of Assam, Chief Minister's Office, Dispur for taking necessary action for appointment on compassionate grounds. It, therefore, appears that no action was taken by the concerned authorities for long eight years from 2000 to 2008. Available records also reveal that it took six more years for Sri Surendra Nath Das's application for appointment on compassionate grounds to come up before the State Level Committee for Appointment on Compassionate Grounds headed by the Chief Secretary. Minutes of the meeting of the State Level Committee in respect of Soil Conservation Department held on 1-12-2014, which was Chaired by the then Chief Secretary Sri J. Khosla, IAS, reveal that the prayer of Sri Surendra Nath Das was considered against a single vacancy available for filling up on compassionate grounds against the year 2006. There were several other candidates for the same post. The lone one post went to one Sri Kopil Bora whose year of application was 1998. The said minutes noted that the application of Sri Surendra Nath. Das whose date of application was 27-3-2000 was rejected by the State Level Committee as he could not be accommodated due to shortage of vacancy.

11. Sri Surendra Nath Das's grievance is that he was deprived of his legitimate claim for appointment on compassionate grounds due to the inordinate delay in taking up his application dated 27-3-2000 for consideration only in 2014. According to him several posts of SCFWs which fell vacant during the interim period, including the post of his deceased father, were filled up by other candidates.

12. Sri Surendra Nath Das further deposed that being aggrieved, he approached Sri A. K. Rakshit, who assured him that he will be able to get redressal of his grievance. It is seen from the case records that Sri Ajay Kr. Rakshit, using the designation of "Law Secretary", Advisory Board, Asom Garkaptani Shramik Santha, Barama, filed a Review petition dated 26-2-2015 before the Chief Secretary, Govt. of Assam, and Chairman of the State Level Committee for appointment on compassionate grounds. By the Review petition Sri Ajay Kr. Rakshit prayed for reviewing the matter of rejection of the prayer of Sri Surendra Nath Das for appointment on compassionate grounds. Sri Ajay Kr. Rakshit cited several rules in support of his prayer.

13. Getting no response to his Review petition dated 26-2-2015, Sri Ajay Kr. Rakshit followed it up by his –

- (i) RTI petition dated 18-6-2015 filed before the SPIO of the office of Chief Secretary, Govt. of Assam;
- (ii) First appeal petition dated 28-10-2015 before the Chief Secretary as First Appellate Authority, and finally,
- (iii) The instant second appeal petition dated 28-1-2016 followed by a reminder dated 15-6-2016.

14. The SPIO and Staff Officer to the Chief Secretary Ms. Keerthy Jalli submitted that Sri Ajay Kr. Rakshit's RTI petition dated 28-10-2015 was received in Chief Secretary's office on 3-11-2015 and on the same day it was transferred to the Additional Chief Secretary, Soil Conservation Department vide Chief Secretary's Dak Section Diary No. 293. The S.O and SPIO of Chief Secretary did not make any mention about the original RTI petition dated 18-6-2015 or the Review petition dated 26-2-2015 filed by Sri Ajay Kr. Rakshit. So, the position as it stands today is that no action appears to have been taken on the RTI petition and the subsequent first appeal petition. It is, however, open to question whether Sri Ajay Kr. Rakshit had any *locus standi* to file the Review petition dated 26-2-2015, and that too, by mis-representation of his identity as office bearer of a *fake* and *fictitious* Organization, as reported by the Superintendent of Police, Baksa to redress the grievance of a *third party*.

15. The actual aggrieved party Sri Surendra Nath Das submitted that he is still waiting for redressal of his grievance which was articulated on his behalf by Sri Ajay Kr. Rakshit vide Review petition dated 26-2-2015, mentioned above.

16. In view of the above facts and background of the case and the pending grievance of Sri Surendra Nath Das, this Commission is of the opinion that it will be in the fitness of things if the original applicant and the aggrieved party Sri Surendra Nath Das himself files his Review Petition before the Chief Secretary to the Govt. of Assam and the Chairman of the State Level Selection Committee for appointment on compassionate ground.

17. This Commission, therefore, directs ***in exercise of powers conferred under Section 19(8) (a) of the RTI Act, 2005***, the Chief Secretary, Govt. of Assam and Chairman of the State Level Selection Committee for Appointment on Compassionate Ground to dispose of the Review petition of Sri Surendra Nath. Das, if he files any , within sixty (60) days of receipt of the same with a speaking order.

18. With the above order, the instant second appeal petition dated 28-1-2016 is disposed of.

**Sd/-**  
**(H. S. Das)**  
**State Chief Information Commissioner,**  
**Assam**

**Authenticated true copy**

**Sd/-**

**Registrar**

**Assam Information Commission**

**Memo No SIC/BGS.09/2016/ -A**

**Dated 8-3-2017**

**Copy to:.**

- 1) Chief Secretary to the Government of Assam, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 2) Ms. Keerthi Jalli, S.O to Chief Secretary. Government of Assam, Dispur, Guwahati-6 for information.
- 3) Divisional Officer, Soil Conservation Division, Nalbari (Copy of the Written Statement of Sri Ajit Das, Jr. Asstt. , Divisional Officer, Soil Conservation, Nalbari –enclosed)
- 4) Sri Ajay Kr. Rakshit, S/O Late Hitendra Kr. Rakshit, Law Secretary, Advisory Board AGSS, Barama, SS-Qr No-II, PWD (NH) Colony, P.O-Barama, Dist-Baksa, PIN-781346 for information.
- 5) Sri Surendra. Nath Das, Son of Late Debendra Nath Das, Ex- SCFW, C/O Divisional Officer, Soil Conservation Division, Nalbari, District- Nalbari for information.
- 6) Sri Ajit Das, Junior Assistant, Office of the Divisional Officer, Soil Conservation Division, Nalbari for information.
- 7) Computer Section for uploading in the Website.
- 8) Office file.
- 9) Order Book.

**Registrar**

**Assam Information Commission.**