



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No : SIC/CCR.158/2017
Complainant/ Appellant : Sri Puspendu Chakraborty.
Respondent : The SPIO, Office of the Elementary Education Department,
Govt. of Assam, Guwahati-06
Date of hearing : 19.7.2019
Complaint/ Second : Nilufer Alam Hazarika, IAS (Retd.)
Appeal heard by : State Information Commissioner, Assam
Date of order : 19.7.2019

O R D E R

19.7.2019

Today's hearing is a follow up action on the order passed by the Commission dated 19.6.2019. The petitioner Sri Puspendu Chakraborty had informed vide letter dated 19.6.2019 that the matter is sub-judice in Hon'ble High Court, WP(C)/5982/18 along with other cases like SIC/CCR.151/2017 for contempt of Assam Information Commission's order dated 21.9.2017. Since, no stay order has been received from the Hon'ble High Court, the Commission vide order dated 19.6.2019 directed the SPIO of the Directorate of Elementary Education to furnish the information on or before the 10.6.2019 and the SPIO, office of the Directorate Elementary Education was considered deemed PIO under section 5(4) and 5(5) of the RTI Act, 2005 and directed to furnish the information to the petitioner within 15 days from the date order.

The Joint Secretary and SPIO of Elementary Education Department has informed the Commission vide letter dated 8.7.2019 that the matter of release of arrear salary is under process in File No. PMA.253/2019 in the planning cell of the Department. The SPIO and Joint Secretary has enclosed the following documents within her letter dated 8th July, 2019:-

1. Copy of proposal for specific allotment of fund to meet the arrear salary in respect of Sri Puspendu Chakraborty, Retd. BEEO Narsingpur Education Block, from the BEEO Narsingpur dated 22.12.2016 to the DEEO Cachar.
2. Proposal from the DEEO Cachar dated 20.1.2019 to the Director Elementary Education, Kahilipara, Guwahati.
3. Reply to RTI petition by the BEEO Narsingpur dated 13.6.2019 to the DEEO Cachar
4. Reply to RTI petition from the DEEO Cachar to the Director Elementary Education dated 14.6.2019 as follows:-
 - (i) No payment of arrear salary was paid by the BEEO, Narsingpur from the current budget since there was no allotment of fund for payment of arrear salary, though there was a communication from AG (Audit) Assam for payment of arrear salary.

- (ii) As per instruction of the former DEEO, Cachar, the BEEO, Narsingpur appears to have initiated a proposal for specific allotment of fund vide his letter dated 22.12.2016 which was duly been communicated to the DEE, Assam vide this Office letter dated 20.1.2017 for specific allotment of fund which is yet to be accorded from the level of the Higher Authority.
- (iii) Due to non-receipt of specific allotment of fund the BEEO, Narsingpur has not yet paid the arrear salary to Sri Puspendu Chakraborty, retired BEEO concerned as apprised by the BEEO, Narsingpur vide letter dated 13.6.2019.
5. Proposal for sanction and release of arrear salary of Sri Puspendu Chakraborty, Retd BEEO from the Director Elementary Education to the Commissioner and Secretary Elementary Education, Assam.

The Joint Secretary and SPIO has also informed the petitioner Sri Puspendu Chakraborty that the matter of the release of arrear salary is under process in file No. PMA/253/2019 in the Planning cell of the department vide letter dated 8.7.2019.

The Commission observes that the information relating to the RTI petition of Sri Puspendu Chakraborty dated 4.1.2017 has been furnished. As such the matter is disposed of.

Sd/-

(Nilufer Alam Hazarika, IAS (Retd.))
State Information Commissioners, Assam
Panjabari, Guwahati

Authenticated true copy.



Joint Registrar
Assam Information Commission

Memo No. SIC/CCR.158/2017

Dated. 19.7.2019

Copy to:

1. The SPIO, Office of the Elementary Education Department, Dispur, Ghy-06, Assam for information.
2. The First Appellate Authority, Office of the Elementary Education Department, Dispur, Ghy-06 for information.
3. The Petitioner Sri Puspendu Chakraborty, Retd. Block Elementary Education Officer, Narsingpur, Residential Address, 1st Link Road, Lane No.10, House No-5, Silchar-788006, Dist- Cachar, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File
6. Order Book



Joint Registrar
Assam Information commission