

OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No. : SIC/DMJ 13/2020
Complainant/ Appellant : Sri Manab Chandra Dutta
Respondent : SPIO of Office of Executive Engineer, Dhemaji W.R. Division, Dhemaji
Date of Hearing : 13-11-2020
Complaint/ Second Appeal heard by : Dr. A.P.Rout, IPS(Retd)
State Chief Information Commissioner, Assam

O R D E R
13-11-2020

1. The petitioner Sri Manab Chandra Dutta is absent. However he has sent an email dated 12.11.2020 wherein it is mentioned that he is suffering from Covid-19 for which he is unable to attend today's hearing.
2. The Public Authority is represented by Shri Sarbananda Medhi, Accounts Officer and SPIO of Dhemaji W.R. Division, Dhemaji. The Executive Engineer of Dhemaji W.R Division has submitted a written statement which is taken into records.
3. In the written statement it is mentioned that due to transfer and promotion of Accounts Officer, the information though agreed with the petitioner was not furnished which is a totally unacceptable fact, as both the outgoing and incoming SPIO should know about the pendency of work during the handing over of charge and it is equal responsibility of the senior officer to ensure that there is proper handing over and taking over of the charge.
4. Further vide the SPIO's point no. 8 of his written statement, the Executive Engineer i.e, the 1st Appellate Authority has mentioned *Quote* From 24th February,2020 (which is 20 days' time after scheduled date of 1st hearing), total lockdown was declared by the Govt. due to Covid-19 pandemic and since the present SPIO was totally unaware of the RTI petition, so the information were not furnished to the petitioner. *Unquote*. The Commission takes exception to such reply of a senior officer at the rank of Executive Engineer in mentioning factually incorrect figure in stating that the total lockdown was w.e.f. the 24th February 2020 whereas the lockdown was w.e.f. 24th March 2020. Further after lockdown was eased out w.e.f. June 2020 there was more than four and half months left for the SPIO and the 1st Appellate Authority to dispose the RTI petition.
5. From the above it is crystal clear that the SPIO and the 1st Appellate Authority are responsible for not following the provision of the RTI Act 2005.
6. The SPIO orally states that the information is ready and same to be handed over to the petitioner. He is ordered by the Commission to submit the same within one week. The casual attitude of the Executive Engineer/1st Appellate Authority as well as SPIO is to be brought to the notice of Commissioner Secy., PWD, Govt. of Assam.
7. In light of the above the instant 2nd appeal petition dated 14.2.2020 is disposed off.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/DMJ 13/2020

Dated: 13-11-2020

Copy to:

1. Shri Rajesh Kemprai, Commissioner & Special Secy. to the Govt. of Assam, PWRD for information.
2. Shri Samiran Deka, Executive Engineer of the Office of Executive Engineer, Dhemaji W.R Division, Dhemaji for information.
3. SPIO of the Office of Executive Engineer, Dhemaji W.R Division, Dhemaji for information.
4. The petitioner Sri Manab Chandra Dutta, Ward No.2, Dhemaji Tiniali P.O. & Dist.- Dhemaji, Pin – 787057 for information.
5. Computer section for uploading in the website
6. Office File
7. Order Book

Registrar i/c
Assam Information Commission