



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

Case No. : SIC/KP(R).501 / 2019
Appellant : Sri Tapan Raimedhi
Respondent : The SPIO, O/o the Executive Engineer, PWD, Amingaon Kamrup (R)
Date of hearing : 15.10.2020
Second Appeal heard by : Sri Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam

O R D E R

15.10.2020

The petitioner Sri Tapan Raimedhi is present.

Sri Annada Prasad Sarma, Executive Engineer of erstwhile PWD (R), North Guwahati State Road Division, Amingaon and present Jalukbari-Hajo Territorial Road Division is present.

Seen the case record. The appellant submitted RTI petition dated 28.09.2018 to the EE/SPIO, North Guwahati State Road Division, Amingaon seeking certain informations. For non-receipt of the informations, he submitted first appeal petition to the Chief Engineer PWD (Roads) which is seen to have received by the office on 19.12.2018. The 1st Appellate Authority organized hearing against the first appeal and fixed date of hearing on 25.01.2019 and disposed of the first appeal petition passing no order as the appellant was not present. It is observed that the appellant did not receive sought for informations for which he preferred second appeal before the Commission which was received on 20.02.2019.

Perused the case record. The EE/SPIO, PWD (Roads) North Guwahati State Road Division, Amingaon vide letter no. NGSRD/1179 dated 22.10.2018 furnished the informations to the appellant. From the annexure of his letter, it was informed that informations in respect of point numbers 1 and 2 are available in the office of the Chief Engineer PWD (Roads) only. He has not given any reply regarding point numbers 3 and 4.

As follow up action of letter no. NGSRD/1179 dated 22.10.2018 of the EE/SPIO, North Guwahati State Road Division, Amingaon, the appellant submitted first appeal petition which was received by the office of the CE PWD (Roads) on 19.12.2018 and accordingly hearing for first appeal was organized. However, the FAA simply disposed of the first appeal without giving any direction to any authority to furnish the informations for non-appearance of the appellant during the time of hearing.

It is observed from the action taken by the EE PWD (Roads), North Guwahati State Road Division that it was not in conformity with the provisions of the RTI Act, 2005. Since most of the informations were not available in his establishment he should have transferred it

to the custodian of the informations with a request to furnish it to the applicant directly. The action taken by the FAA also did not make any sense. The FAA did not pass any order for furnishing the informations, instead he simply disposed it with no direction. Since the informations sought for were available in his office itself, he should have directed the SPIO of his office to furnish the informations as sought for.

The whole matter is pending for more than two years. Non-compliance of RTI Act, 2005 by the SPIO of o/o the EE, North Guwahati State Road Division as well as the FAA is undesirable. **The Commission directs the SPIO/EE, North Guwahati State Road Division, Amingaon to transfer the RTI petition on the very next day of receipt of this order to the SPIO, o/o the Chief Engineer, PWD (Roads), Assam, the custodian of the informations with a request to furnish the informations to the appellant. The SPIO, o/o the Chief Engineer, PWD (Roads), Assam is directed to furnish the informations to the appellant within 7 days.**

The Second Appeal is disposed of with the above direction.

Sd/-
Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/KP(R).501 /2019
Copy to:

Dtd.15.10.2020

1. The SPIO, O/o the Chief Engineer, PWD (Roads), Chandmari, Guwahati- 3 for information and necessary action.
2. The SPIO, O/o the Executive Engineer, PWD, Amingaon Kamrup (R), Guwahati- 37 for information and necessary action.
3. The First Appellate Authority/office of the Chief Engineer, PWD (Roads), Chandmari, Guwahati- 3 for information.
4. The Appellant, Sri Tapan Rai Medhi, Mazgaon, North Guwahati, PO- Dhupdar (Rajaduar). PS- Kamrup (R), Assam for information.
5. Computer Section for uploading the order in the Website.
6. Office File.

Registrar i/c
Assam Information Commission