



सत्यमेव जयते

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

Case No. : SIC/TSK.2/2021
Complainant/ appellant : Sri John Sona.
Respondent : SPIO, O/o the Commissioner of Taxes, Kar Bhawan
Date of hearing : 17.03.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
17.03.2021

1. The petitioner Sri John Sona is absent. However, he has sent an email stating that he is unable to attend today's hearing due to election duty. The public authority i.e. the SPIO of the Office of the Commissioner of Taxes Sri Shantanu Dhar, Deputy Commissioner of Taxes, Guwahati Zone A and Smti Varshaty Das, Deputy Commissioner of Taxes Guwahati Zone B are present.

2. On perusal of the case records, it is seen that the petitioner filed RTI petition dated 3.8.2020 before the SPIO of the Commissioner of taxes. The Deputy Commissioner of Taxes, Guwahati Zone-B & SPIO has furnished information to the petitioner vide letter No. RTI-9/2018/146 dated 18.8.2020.

3. Being not satisfied by the information furnished by the SPIO, the petitioner filed first appeal petition dated 15.10.2020 before the First Appellate Authority. The First Appellate Authority i.e. the Commissioner of State Tax has replied to the petitioner Shri John Sona vide letter No. RTI-9/2018/176 dated 21.10.2020.

4. It is surprising to know that the petitioner who is a Government Servant, Taxation (Finance) Department, after getting proper official replies from the SPIO as well as the First Appellate Authority i.e. Shri Anurag Goel, IAS, Commissioner of State Taxes, filed his second appeal petition dated 25.1.2021 before the Commission. The right under RTI flows from the constitutional provision as per the Article 19 of the Constitution of India and the same cannot be curtailed in case of any citizen including that of a Government servant but a Government servant has another important channel i.e. official channel to get the information, guidance, clarification and instruction as per the situation, whereas the same is not available to a common citizen necessitating the need of the provision of the RTI Act. When a Government servant having doubt on the official procedure takes recourse to the provision of RTI Act, though legally is not incorrect but it creates unnecessary burden on the Commission in clearing the pending cases of ordinary citizens, wherever there may issues if relating to life and property.

Therefore, though the Commission takes this case for hearing on 17.3.2021, but expresses displeasure in taking the recourses the RTI by the appellant who has enough scope to get departmental clarification.

5. The Deputy Commissioner of Taxes & SPIO has submitted a detailed written statement dated 16.3.2021 which is taken into records.

6. On perusal of the written statement, the Commission considers it appropriate to accept the written statement and disposes the second appeal petition dated 25.1.2021.

7. Mark authenticated copies to all the concerned.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/TSK.2/2021

Date: 17.3.2021

Copy to:

1. Sri Anurag Goel, IAS, Commissioner of State Tax, Assam, Kar Bhawan, Dispur, Guwahati-06 for information to take note of point no.4.
2. The SPIO, O/o the Commissioner of Taxes, Kar Bhawan, Guwahati-06 for information.
3. The First Appellate Authority/ the Commissioner of Taxes, Kar Bhawan, Guwahati-06 for information.
4. Sri John Sona, Asstt. Commissioner of Taxes, Prakash Bazar, Tinisukia, PIN-786125 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Joint Registrar i/c
Assam Information Commission