

Case No. : SIC/KPR.47/2021
Complainant/ Appellant : Mr. Ataur Rahman
Respondent : SPIO of the Office of the Assam State Transport Corporation, Paltanbazar, Guwahati - 781008
Date of Hearing : 17-3-2021
Complaint/ Second Appeal heard by : Dr. A.P.Rout,
State Chief Information Commissioner, Assam

O R D E R
17/3/2021

1. The petitioner Mr Ataur Rahman is present. The petitioner has filed RTI Application on 3/11/2020 seeking following information:-

(i) The hard copy of the petition along with its enclosures which was submitted by me for the post of Assistant Station Superintendent (A.S.S) according to advertisement in 1982.

Reportedly on non receipt of the information he filed 1st appeal on 7/12/2020. On not getting any response from the 1st Appellate Authority, he filed 2nd appeal petition on 28/1/2021 and accordingly hearing was fixed today.

2. The Public Authority is represented by Smti. Mayuri Kalita, Law & Claims Officer and she is accompanied by Shri Dipak Tamuli, APO, ASTC.
3. The SPIO of ASTC has submitted a written statement dated 16/3/2021 which is taken into records. On perusal of the written statement it is noticed that:-

Quote Md. Ataur Rahman has submitted 1st Appeal on 07/12/2020 before the Hon'ble Managing Director/Appellate Public Authority, Assam State Transport Corporation, Head Office, Paltanbazar, Guwahati – 08 requesting to furnish the hard copy of the petition along with each enclosures which was submitted by the petitioner as per the advertisement publication in 1982 for the post of Assistant Station Superintendent under the Assam State Transport Corporation.

The petitioner submitted 2nd appeal petition to the Hon'ble Chief Information Commissioner, Assam Information Commission, Jonakee Complex, Silpgram Road, Panjabari, Guwahati – 781037 dated 28/1/2021 which has forwarded from your good office along with letter no. SIC/KP(R) 47/2021/9 dated Panjabari, 20th February, 2021 & received in the office of ASTC on 24/2/2021.

The SPIO, Office of the Managing Director, ASTC, communicated the reply vide letter no. ASTC/SPIO/HO/203/2020-21/9389 dated 29/12/2020 against the RTI application dated 3rd November 2020 of Md. Ataur Rahman.

The SPIO, Office of the Managing Director, ASTC, communication was made vide ref. No. ASTC/L&C/HO/2020/8678 dated 2nd November, 2020 against compliance of order dated 12/6/2019 passed by the Hon'ble Chief Information Commissioner, in case no. KP(R).435/2019 in the office of the Assam Information Commission, Panjabari, Guwahati.

In view of the above, it is therefore prayed that your honour may be pleased to reject the appeal petition dated 28/1/2021 filed against by the applicant Md. Ataur Rahman and therefore barred by the rule of res judicata and close the case to save the valuable time of your good office as well as ASTC and may be pleased to pass such order or orders as your honour will deem fit and proper.

And for this the SPIO, ASTC as in duty bound shall ever pray. *Unquote.*

4. The SPIO in its written statement also mentioned they have furnished the point wise information to the petitioner.

5. The SPIO mentioned *Quote* That following the Assam Record Manual – “Manual of Office Procedure Secretariat 1981” of the Govt. Of Assam as ASTC does not have its own record maintenance Protocol, clearly referring to the provision of Clause 138.1 under Class B, this office need not maintain record of such nature after completion of twelve years. As such after completion of 34 years no such record is available in this office.

That the petitioner have already approached the Concerned Authority of ASTC through various representations which is disposed off following due procedure including giving you opportunity to inspect the records in the Head office ASTC.

That the petitioner have also approached the Hon'ble Gauhati High Court vide case no. WP(C)2629 of 2010 and the matter was dismissed by the Court as in fructuous.

That the petitioner have several times filed petitions in the Office of the ASTC and subsequently the matter was closed by CIC finding no cause of action.

Therefore summarily and conclusively the petitioner have approached several forums but no cause of action is found till date. *Unquote*.

6. The SPIO also enclosed copy of the Commission earlier order dated 12/6/2019 where in the Commission has quoted as follows :-

Quote The Joint Secretary and SPIO of Transport Department, Govt. of Assam has submitted a WS dated 6.6.2019 which is entered into the case records. The Chief Engineer (A&T) and SPIO of ASTC has also submitted a separate WS dated 12.6.2019 which is also entered into the case records. The SPIO of ASTC has enclosed with this WS a copy of order dated 2.2.2009 passed by the then State Information Commissioner Dr. B.K Gohain in complaint case number KP(M)105/2008(old) and KP(M).52/2008 (New). It is seen from the order that the same matter was already heard by the SIC Dr. B.K. Gohain and the petitioner's complaint petition was disposed of and the matter was closed with an observation that the petitioner Md. Ataur Rahman had already inspected all the available records in the office of the ASTC and had confirmed it in writing.

As already noted the informations sought for relates to the year 1984, i.e. 34 years prior to the date of the RTI petition, which is 20.09.2018. As per Assam Record Manual only permanent records are kept/maintained without any time limit. All other records are required to be maintained for finite time periods. The SPIO of ASTC is, therefore, directed to examine/ascertain and inform the petitioner, within 30 days from the date of receipt of this order about time period for which the sought for informations are required to be maintained as per their own record maintenance protocol or as per provisions of the Assam Record Manual in the absence of ASTC's own record maintenance protocol.

In view of the informations already furnished vide letter dated 30.10.2018 by the SPIO of ASTC to the petitioner as referred to above and the earlier order dated 2.2.2009 of SIC Dr. B.K.Gohain as referred at para 4 as well as order at para 5 above, there seems to be no further cause of action on the instant second appeal petition. **This Commission would not like to waste any further time on such repetitive second appeal petitions on a matter which had already been disposed of and closed. Hence, the second appeal petition dated 24.12.2018 is disposed of.** *Unquote*.

7. From the above, it is clear that the appellant is repeatedly filing RTI petitions and unnecessary putting pressure on officials of the ASTC and also wasting the time of the Commission.

8. In light of it, the Commission decides not to entertain any further communication from the appellant on the above issue.

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

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/KPR.47/2021

Dtd. 17.3.2021

Copy to:

1. The SPIO of the Office of Assam State Transport Corporation, Paltanbazar, Guwahati – 781008 for information.
2. Mr. Ataur Rahaman, C/O – Lt. Harmuze Ali, Vill. – Adhiar Para, P.O – Soniadhi, P.S – Hajo, for information
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Joint Registrar i/c
Assam Information Commission