



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

Case No. : SIC/KP(M)100/2021
Complainant/ appellant : Sri Bhaskar Jyoti Das.
Respondent : SPIO, Office of the Deputy Commissioner, Kamrup (M)
Date of hearing : 03.08.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R

03.08.2021

1. The petitioner Sri Bhaskar Jyoti Das filed RTI petition dated 5.1.2021 before the SPIO of the Office of the Deputy Commissioner, Kamrup (M) seeking following information:

- (i) Whether Sri Bhogeswar Das, Sri Kandarpa Pathak and Sri Naba Malakar (all three persons) working as Lat Mandal under the Kamrup Metro District Jurisdiction? If Yes kindly inform the specific date of joining of them respectively at Kamrup (Metro) as Govt. Employee. (Please enclosed their joining documents and other educational documents submitted by them for their job)
- (ii) What was the salary at the time of their joining of job and what is the present salary their pay scale and total gross or net salary kindly inform briefly.
- (iii) Whether these aforesaid lat mandals have transferred or posted to anywhere from the date of their joining of the job. If yes kindly briefly inform the full details from which date to which date and from which place to which place they were transferred? (Kindly enclosed Xerox copies of their transfer/posting order) if any stay for their transfer or posting kindly inform the same.
- (iv) Kindly inform the full details of aforesaid lat Mandals' postal address, communication address permanent home address.
- (v) Kindly inform and furnish Xerox copies of all transfer and posting of Lat Mandals order copy under Kamrup Metropolitan district from 1st January 1991 to 25th July 2019.

2. Then the petitioner filed first appeal petition dated 10.2.2021 before the First Appellate Authority of the Office of the Deputy Commissioner, Kamrup (M) and then the petitioner filed second appeal petition dated 17.3.2021 before the Commission. Accordingly the hearing is fixed toady.

3. The petitioner Sri Bhaskar Jyoti Das is present. The public authority i.e. the SPIO of the Directorate of Social Welfare is represented by Sri Kongkon Jyoti Saikia, ASPIO & Assistant Commissioner of D.C. Kamrup (M).

4. The petitioner mentioned before the Commission that he has not received any information from the SPIO at the same time his first appeal petition also not responded. The ASPIO Sri Kongkon Jyoti Saikia submitted a written statement dated 03.08.2021 stating the position of the RTI petition is as follows:

Date	Action taken
05/01/2021	Bhaskar Jyoti Das submitted his RTI application in the Office of the Deputy Commissioner, Kamrup(Metro)
18/01/2021	The RTI application was sent to the Addl. Deputy Commissioner, i/c Personnel Branch, Kamrup(M) District, Guwahati vide letter No. RTI 20/2021/02/71 Dtd. 18/01/2021. No information has been received till date from the concerned Branch.
16/02/2021	Mr. Bhaskarjyoti Das submitted first appeal petition in the office of the Deputy Commissioner, Kamrup (M) District.
Current status	Because of the ongoing covid 19 pandemic situation and assembly election'21 urgency this office could not dispose the 1 st appeal petition of the aforesaid RTI matter of the petitioner in due course. However, with improvement of the Covid -19 pandemic situation, the process for disposal of all the pending appeal petition is reinitiated.

5. From the above, it is seen that the RTI petition has not been attended by the SPIO within the mandatory period of 30 days as per Section 7 of the RTI Act, 2005. Even the first appeal petition (dated 10.2.2021) has not been decided within the mandated time period of 30 days extendable upto 45 days as per Section 19(6) of the RTI Act. The ASPIO in his reply mentioned that due to Covid-19 pandemic situation and assembly election, 2021 the first appeal petition could not be disposed till date.

6. The Commission is constraint to observe that the time period of one month for the SPIO is over on 5.2.2021 and the 30 days time available to the First Appellate Authority is also over by 5.3.2021 and in that time period the Covid pandemic was not at all serious and the Assembly election has not picked up the steam which could have hindered the First Appellate Authority in not attending to the first appeal petition.

7. It shows that due importance as mandated by the RTI Act is not given by both the SPIO and the First Appellate Authority for disposal of the RTI petition.

8. Though this warrants the provision of penalty under Section 20 of the RTI Act, taking a lenient view, the Commission directs the SPIO, of the Office of the Deputy Commissioner, Kamrup (M) to furnish without fail the information to the petitioner within one month from the date of receipt of this order.

9. In light of it, the second appeal petition dated 17.3.2021 is disposed off.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ KP(M)100/2021

Dtd. 03.08.2021

Copy to:

1. The SPIO of the Office of the Deputy Commissioner, Kamrup (M), Guwahati-01 for information and necessary action.
2. The First Appellate Authority of Office of the Deputy Commissioner, Kamrup (M), Guwahati-01 for information.
3. Sri Kongkon Jyoti Saikia, ASPIO & Assistant Commissioner of the Office of the Deputy Commissioner, Kamrup (M) for information.
4. Sri Bhaskar Jyoti Das, Executive Editor, Sangbad Live H.No-01, 2nd Floor (Back side of the Bluedirt Office) Nilgiri Path, AIDC, R.G. Baruah Road, Guwahti-781024 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission