

**Case No.** : SIC/KP(M).97/2021  
**Complainant/ Appellant** : Mahesh Chandra Sharma  
**Respondent** : SPIO, Home (A) Department, Dispur, Guwahati  
**Date of Hearing** : 16/09/2021  
**Complaint/ Second** : Dr. A.P.Rout,  
**Appeal heard by** State Chief Information Commissioner, Assam

**O R D E R**  
**16/09/2021**

1. The petitioner Sri Mahesh Chandra Sharma is present.
2. The Public Authority is represented by Smti Sujata Suchibrata, SPIO & Deputy Secretary, Home & Political Department.
3. The Under Secretary to the Govt. of Assam, Home (A) Department has submitted a written statement vide dated 11.8.2021 which is taken into records.
4. Reply from the SPIO vide his letter no. HMA(RTI)39/2020/67 dated 9.3.2021 is as follows:

Relating to point no.1 of the RTI petition: There was no special recruitment of APS in 1995.

Relating to point no.2 to 5 of the RTI petition: The information could not be provided at this stage as the concerned files etc. are still being searched for. As soon as it is available, the information will be provided.

Relating to point no. 6 to 9 of the RTI petition: The information as sought for could not be provided as the concerned matter is still in process and the decision of the authority takes a decision of the authority is still awaited. The information will be provided once the authority takes a decision on the matter.

Relating to point no.10 of the RTI petition: The information as sought for is denied in the light of the Hon'ble Supreme Court of India's order dated 3.11.2012 in special leave petition. (Civil) No.27734 of 2012.

5. Reply after 1<sup>st</sup> Appeal vide letter no. HMA(RTI)39/2020/90 dated Dispur 28<sup>th</sup> April 2021 is as follows:

- Relating to point no. 1 of the RTI petition: Copies of the promotion orders of the APS officers mentioned in the Annexure 1 are being searched for. Department will furnish the copies which will be available.
- Relating to point no.2 of the RTI petition: There is no such record found.
- Relating to point no. 3 to 9 of the RTI petition: Section 2(f) of the RTI Act 2005 defines 'information' as follows:-

"Information" means any material in any form, including records, documents, memos, emails, opinions, advises, press releases circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

- Relating to point no. 10 of the RTI petition: No specific time limit/data can be given as of now.
  - Relating to point 11 of the RTI petition: The concerned file is currently with WPT & BC Department. Once the file is received, this department will examine the matter to arrive at a decision. Therefore no specific time line/data can be given as of now.
6. The Commission does not agree with the report supplied on point no. 3 to 9 by the SPIO vide letter no HMA(RTI)39/2020/90 dated Dispur 28.4.2021.

As any action on note sheet on receipt of application is "information" and the copy of the same when available should be furnished to the petitioner.

7. Decision relating to point no.5 of the RTI petition – It is an information but since it may relate to other officers which is 3<sup>rd</sup> party u/s 11 of the RTI Act 2005, the consent of 3<sup>rd</sup> party is essential.  
For furnishing information regarding point no. 2 to 5 of the RTI petition, **a convenient date and time to be fixed by the SPIO, and the SPIO is directed to search out the relevant records/letters.**
8. The Commission also to some extent agrees with the reply on numerous information sought by the appellant and **advises the appellant to narrow down to specific period or specific officer so far as statements of allegations and their disclosure.** List of DP with the details of case reference, status of DP be furnished.
9. However, the show cause notices relating to some specific period, specific time, or date if sought by appellant be given.
10. In view of the above, the instant 2<sup>nd</sup> appeal petition dated 3.5.2021 is disposed off.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M)97/2021**

**Dtd. 16.9.2021**

Copy to:

1. The SPIO of the Office of Home (A) Department, 3<sup>rd</sup> Floor, CM's block, Janata Bhawan, Dispur, Guwahati for information and necessary action.
2. The petitioner Sri Mahesh Chandra Sarma, Asst. Inspector General of Police (W&S), Assam Police HQ, Ulubari, Guwahati for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar  
Assam Information Commission