

OFFICE OF THE
ASSAM INFORMATION COMMISSION

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Case No. : SIC/KP(M)254/2021
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO of Directorate of Welfare of Plain Tribes & Backward Classes, Rukmininagar, Dispur
Date of Hearing : 30/09/2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
30/09/2021

1. A complaint petition dated 31.8.2020 for conducting an enquiry on the fraudulent activities of Director, Finance Accounts Officer and suppliers of Directorate of WPT & BC was addressed to Hon'ble Chief Minister of Assam and the Additional Director General of Police, Vigilance & Anti-corruption, Srimantapur by Sri Joydeb Das.
2. The appellant on the basis of the complaint petition submitted a RTI petition dated 8.10.2020 to know the action taken thereof.
3. This RTI petition was forwarded to the Commissioner and Secretary, WPT & BC vide letter no. CMO 5/2020/WPTBC/4498 dated 21.9.2020 with forwarding letter to the SPIO of WPT and BC by the Deputy Secretary cum SPIO, CM Secretariat Dispur vide letter no. CMS.100/2018(RTI)/271.
Copy of this letter was marked to the petitioner
4. Interestingly, this complaint petition as received from CM Secretariat was forwarded to the Directorate of WPT & BC, Dispur vide letter no. TAD/BC/445/2013/110 dated Dispur 5.12.2020 with instruction to examine the petition and submit the replies on the complaint to the department urgently.
5. But in reply to the RTI petition, the complainant filed a RTI petition dated 8.7.2021 before the 1st Appellate Authority i.e., Directorate of WPT & BC and with this he has enclosed his RTI petition as well as the complaint petition. As claimed and shown to the Commission, this letter was duly received at the Office of WPT & BC on 8.7.2021 with signature and seal.
6. Since there was no reply from the 1st Appellate Authority, the appellant filed 2nd appeal before the Commission on 12.8.2021 and accordingly the hearing was taken today.
7. The petitioner Sri Joydeb Das is present. The Public Authority is represented by Sri Harihar Talukdar, Asst. Research Officer & ASPIO and he is accompanied by Sahjamal Uddin Ahmed, Research Assistant.
8. In today's hearing, Sahjamal Uddin Ahmed, Research Assistant stated before the Commission that they have received only the forwarding letter of the complaint petition from the Department of WPT & BC but not the original complaint of the petitioner and that is the reason why they could not take any action on the petition.
9. While examining the documents as provided by the petitioner in his 1st appeal petition before the Directorate of WPT & BC, the appellant has enclosed all the correspondences including the complaint petition dated 31.8.2020 before the Hon'ble CM of Assam and the Addl. Director General of Police, Vigilance & Anti-corruption, Srimantapur and RTI petition dated 8.10.2020 along with the forwarding letter of Deputy Secretary to the Govt. of Assam to the SPIO of WPT & BC.

Hence, the plea of ASPIO that the WPT & BC did not provide the enclosures for which they have not taken any action cannot be accepted.

Further if there was no enclosure, they could have easily written to the department to provide the enclosures. Sitting over the file without any action is unacceptable.

10. In the meantime, the Addl. Director cum SPIO, Directorate of WPT & BC has submitted a letter dated 28.9.2021 stating that since the complaint is for conducting an enquiry on fraudulent activities done by Directorate of WPT & BC, he, being the Director thought is proper to authorize Sri Harihar Talukdar and Sahjamal Uddin Ahmed to appear before the Commission on his behalf.
11. In analyzing the above facts and the oral statement as presented before the Commission, the Commission thinks it as a fit case to note that since the original complaint is against the Directorate and obviously the Directorate cannot take any appropriate step on this regard.

Therefore the Commission as per provision of Section 19(8) of the RTI Act,2005 directs the Secretary, Department of WPT & BC to examine the case and submit an appropriate report to the complainant.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).254/2021

Dtd. 30.9.2021

Copy to:

1. Dr. M Angamuthu, IAS, Commissioner & Secretary to the Govt. of Assam, WPT & BC Deptt, Assam for information.
2. Smti Binita Pegu, IAS, Secretary to the Govt. of Assam, WPT & BC Deptt, Assam for information and necessary action as ordered above.
3. Shri Bhawani Prasad Sarma, ACS, Director, WPT & BC, Assam for information and compliance as ordered above.
4. The SPIO, Directorate of WPT & BC, Rukmininagar, Dispur, Assam for information.
5. The petitioner Sri Joydeb Das, S/O Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati for information.
6. Computer Section for uploading in the Website.
7. Office File.
8. Order Book.

Secretary & Registrar
Assam Information Commission