



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/CCR.21/2021  
 Complainant : Sri Azmol Hoque Barbhuyan  
 Respondent : The SPIO, o/o the Asstt. Executive Engineer, PHE Division-II  
 Date of hearing : 28.10.2021  
 Complaint heard by : Sri Kanak Ch. Sarma  
 State Information Commissioner, Assam

**O R D E R**  
 28.10.2021

The appellant Sri Azmol Hoque Barbhuyan through his e-mail dated 27.10.2021 informs the Commission that he is unable to attend today's hearing on health ground but submits his written argument.

The Asstt. Executive Engineer (PHE) Silchar Sub-Division No. II vide his letter no. AEE/PHE/SIL.II/ESTT-22/21-22/755 dated 08.10.2021 has submitted a written statement. It is informed that there is no SPIO in his office and it is available only in the office of the EE(PHE) Silchar Division no. II. It is also submitted that the then AEE(PHE), Silchar Sub-Division no. II (since retired) had given a reply to the appellant vide office letter no. 999 dated 30.01.2021 that he was not the competent authority to furnish the informations asking the appellant to contact the competent authority for the purpose. He regretted that the appellant instead of approaching the EE(PHE) Silchar Division no. II has approached the Commission. He should have consulted the Act prior to submission of the written statement before the Commission. He directed the complainant to approach the competent authority to obtain the informations instead of transferring the petition to the custodian of informations.

From a plain reading of the written statement submitted by the AEE(PHE), Silchar Sub-Division no. II, it is observed that he is quite ignorant of the provisions of the RTI Act, 2005. He is directed to go through the Act carefully so that he can take appropriate action against any RTI application to be received in future. In respect of the instant case, the AEE(PHE), Silchar Sub-Division is directed to transfer the petition under section 6(3) of the RTI Act, 2005 to the custodian of the sought for informations with a request to furnish the informations to the appellant. **The custodian of the informations i.e. the Executive Engineer (PHE), Silchar Division No. II is directed to furnish the sought for informations through the SPIO of his office after receipt of the RTI application dated 09.01.2021 of Sri Azmol Hoque Barbhuyan within two weeks' time of receipt of this order.**

**With the above directions, the complaint petition dated 02.03.2021 is hereby disposed of as the Commission does not like to impose penalty on an officer who has already retired on superannuation.**

Sd/-

(Kanak Ch. Sarma)  
 State Information Commissioner, Assam  
 Panjabari, Guwahati

Authenticated true copy

Sd/-  
 Secretary & Registrar  
 Assam Information Commission

Copy to:

1. The SPIO, o/o the Executive Engineer (PHE), Silchar Division, No.2, Dist.- Cachar, Assam, Pin- 788 014 for information and necessary action.
2. The SPIO, o/o the Asstt. Executive Engineer, PHE Division-II, Ghungoor, Dist.- Cachar, Assam, Pin- 788 014 for information and necessary action.
3. The appellant Shri Azmol Hoque Barbhuiyan, Vill- Ambicapur Part-X, Panchgori Road, PO- Meherpur, Dist.- Cachar, Assam, Pin- 788 015 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.



Secretary & Registrar  
Assam Information Commission