

Case No. : SIC/DBR.17/2019
Complainant/ Appellant : Shri Bhabesh Chandra Haloi.
Respondent : The SPIO, O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, PIN Code 786001, Assam.
Date of Hearing : 05-10-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
05-10-2021

1. The appellant Shri Bhabesh Chandra Haloi is present.
2. The SPIO, O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, is absent without any intimation to the Commission. Despite that the case is taken up for hearing in the interest of the appellant who has not received the information sought for even after more than 2 (two) years of submitting his RTI application on 17.09.2019.
3. On perusal of records it is seen that the appellant Shri Babesh Chandra Haloi, a Retd. Executive Engineer (PWD), had submitted an RTI application to the PIO, O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, on 17.09.2019 seeking 3 specific informations. On 04.10.2019 the PIO/ Asstt. Executive Engineer (PWD), Dibrugarh Rural Road Div., Dibrugarh, vide letter No. DRRD/RTI/GENL/Pt-1/2017-18/87 informed Shri Bhabesh Chandra Haloi that, (i) Copy of the letters (a) and (b) as sought by Shri Bhabesh Chandra Haloi vide query No. 1 "are not traceable in this office", (ii) Details of measurement books related to the above mentioned letters "cannot be found out as the letters mentioned is missing", and (iii) the circular file of that period is yet to be found, and will be furnished to him immediately after it is found. On 21.11.2019 Shri Bhabesh Chandra Haloi submitted a 2nd Appeal before this Commission praying for necessary action as the Public Authority to whom he had submitted his RTI application dated 17.09.2019 has not furnished the documents sought for.
4. On examination of the PIO's letter No. DRRD/RTI/GENL/Pt-1/2017-18/87 dated 04.10.2019 it appears that vital documents of Public Authority like that of the O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, are "not traceable" and "missing". This is a serious matter which calls for thorough investigation and enquiry by the appropriate authority. The contention of the PIO that the relevant documents are not traceable/missing cannot be accepted on face value as there is no mention about filing any FIR at the police station regarding the particular documents going "missing" from the custody of a Public Authority. The PIO just cannot go scot free by informing the appellant that the documents related to the informations sought are "missing" and "not traceable".
5. In view of the above, the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, is hereby directed to take note of the PIO's letter No. DRRD/RTI/GENL/Pt-1/2017-18/87 dated 04.10.2019 and take necessary action in order to enable the appellant Shri Bhabesh Chandra Haloi to access the informations sought. The RTI applicant cannot be deprived of informations sought just by telling him/her that the documents related to the informations sought are "not traceable" and/or "missing".
6. The PIO is directed to take necessary steps and furnish the informations sought to the appellant Shri Bhabesh Chandra Haloi within 21 (twenty-one) days from the date of receipt of this order. The Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, is directed to ensure that the appellant Shri Bhabesh Chandra Haloi is provided the

informations within 21 (twenty-one) days from the receipt of this order. The PIO is also directed to submit an Action Taken Report on this order immediately upon expiry of the 21 (twenty-one) days period.

7. With the above order, this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.


Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DBR.17/2019

Dated: 05-10-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, PIN Code 786001, Assam, for information and necessary action.
2. The Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, PIN Code 786001, Assam, for information and necessary action.
3. First Appellate Authority/ O/o the Executive Engineer, PWD, Dibrugarh Rural Road Div., Dibrugarh, PIN Code 786001, Assam, for information.
4. The petitioner, Shri Bhabesh Chandra Haloi, Quarter No. T/W-4, Dibrugarh University Campus, Dibrugarh, PIN 786004, Assam, for information.
5. Computer section for uploading in the website
6. Office File
7. Order Book


Secretary & Registrar
Assam Information Commission