

Case No. : SIC/KP(M).360/2020
Complainant/ Appellant : Shri Manoj Das.
Respondent : The SPIO, Executive Engineer, Barpeta PHE
Division, Distt. Barpeta, Howly Barpeta Road,
Sonkuchi, Rongapani, PIN Code. 781314, Assam.
Date of Hearing : 19-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
19-03-2021

1. The appellant Shri Manoj Das is present.
2. Shri Pitambar Kalita, SPIO and Asstt. Executive Engineer (PHE) TC, Barpeta PHE Division, is present.
3. The SPIO Shri Pitambar Kalita, during today's hearing stated that the informations sought by the appellant have been dispatched to him by speed post on 02.03.2021. He also submitted a copy of the covering letter of the informations sent to the appellant along with the post office receipt of dispatch.
4. The appellant however said that he has not received the informations till date.
5. The Commission however notes with concern the approach taken by a Public Authority, in the instant case O/o the Executive Engineer, Barpeta PHE Division, Distt. Barpeta, in handling an RTI application submitted by a citizen.
6. From records it is seen that while the appellant Shri Manoj Das had submitted his RTI application on 18.09.2020, the SPIO cum Asstt. Executive Engineer (PHE) TC Barpeta Division, vide letter No. PHEE/BAR/TECH-155/2020-21/300/ dated 03.10.2020, had transferred the RTI application to the Accounts Officer (PHE) Barpeta Division, Barpeta, with a direction to furnish the information to the SPIO's office within 20 (twenty) days from that date, along with the estimated cost of photocopying etc. The SPIO in today's hearing however appeared unaware of that letter issued by his predecessor SPIO on 03.10.2020, according to which the Accounts Officer (PHE) Barpeta Division becomes deemed PIO for this particular RTI matter. Had the SPIO followed up the matter after expiry of 20 (twenty) days as mentioned, and had the deemed PIO acted upon the RTI application as was directed to him by the SPIO and Asstt. Executive Engineer (PHE), TC, Barpeta Division on 03.10.2020, the appellant Shri Manoj Das would not have required to go for a 1st Appeal and subsequently for a 2nd Appeal, and valuable time and resources of the Public Authority as well as that of this Commission would have been saved.
7. **In view of the above, as stated in the preceding paragraph, the SPIO and Asstt. Executive Engineer is directed to initiate necessary action against the Accounts Officer (PHE), Barpeta Division, under the service rules applicable to him/her, who, as deemed PIO had failed to provide the information within the specified period of 20 (twenty) days, as was mentioned in the letter dated 03.10.2020. The**

SPIO is also directed to inform the Commission about the action taken on this order.

8. The SPIO is further directed to provide the Commission with the tracking report of the post office regarding delivery of the information to the appellant. The appellant is also directed to inform the Commission immediately upon receipt of the information.
9. With the above order, the 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/KP(M).360/2020

Dated: 19-03-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, Barpeta PHE Division, Distt. Barpeta, Howly Barpeta Road, Sonkuchi, Rongapani, PIN Code. 781314, Assam, for information and necessary action.
2. The First Appellate Authority/ Executive Engineer, Barpeta PHE Division, Distt. Barpeta, Howly Barpeta Road, Sonkuchi, Rongapani, PIN Code. 781314, Assam, for information.
3. The petitioner, Shri Manoj Das, Publicity Secretary, Durnity Birodhi Manab Adhikar Suraksha Mancha (DBMASM), Batahghuli, Panjabari, Guwahati-781037 for information and necessary action.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission