

Case No. : SIC/OS. 3/2022
Complainant/ Appellant : Prof. Sarangadhar Baral
Respondent : SPIO,O/o The Principal Secretary to the Govt. of Assam, Higher Education Department, Dispur
Date of Hearing : 30/03/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
30/03/2022

1. In continuation of earlier order dated 22.3.2022, the matter was taken up for hearing.
2. The Public Authority is represented by Sri Dharma Kt. Mili, ACS, Director, Higher Education and he is accompanied by Sri Kumud Chandra Das, SPIO/ Under Secretary and Smti Parananda Goswami, Under Secretary, Govt. of Assam, Higher Education Department.
3. The Director of Higher Education, Assam has filed a written statement vide no. DHE/PEN/CC/265/2021/82 dated Kahilipara 28.3.2022 which is taken into records.
4. The Commission while accepting this takes note of 2nd para of page 2 of the written statement which *quotes* As per the Clause 21(ii) of the Assam College Employees (Provincialisation) Rule, 2010 read "...the existing employees shall be governed by the existing pension Rule of the Government..." Since the appellant Dr. Sarangadhar Baral was not a existing employee in Provincialised College of Assam w.e.f. 11 12 2005, so allowing of opening of GPF Account under Provision of Assam College Employees (Provincialisation) Act,2005 read with the Assam College Employee (Provincialisation) Rule 2010 perhaps not permissible as his service is not under jurisdiction of this Directorate. *Unquote*.
5. The word "perhaps" indicates that there is no certainty whether the Act will prevail or rule will prevail.
6. The SPIO should have taken the opinion of LR in this regard.
7. However, since the copy of letter as statement is submitted, the Commission accepts it and disposes the case.
8. The Commission marks a copy of the letter to the petitioner.
9. Sri Dharma Kanta Mili, ACS, Director of Higher Education, he will be the Nodal Officer and this is to be sorted out.
The Director of Higher Education should clarify the word "perhaps" and take decision on the 2nd para of Page 2 of the written statement.
10. In view of the above, the case is disposed off.
11. Since, the case is gone through so many hearings without any finalization, the petitioner may contact Sri Dharma Kt. Mili, ACS, Director, Higher Education to sort out the problem, if any in future.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Copy to:

1. The Director of Higher Education, Kahilipara, Guwahati 13 for information and necessary action as ordered above.
2. Smti Parananda Goswami, Under Secretary, Govt. of Assam, Higher Education Department, Dispur, Guwahati 6 for information.
3. Sri Kumud Chandra Das, SPIO, Office of the Principal Secretary to the Govt. of Assam, Education (Higher) Department, Dispur, Guwahati 06 for information .
4. The petitioner Prof Sarangadhar Baral, Department of English, Mizoram University, Aizawl, Mizoram 796004 over email for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission