

Case No. : SIC/KPM.259/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, O/o the Director, Dairy Development
Department, Assam
Date of Hearing : 24/06/2022
Date of Order : 08/07/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner,
Assam

O R D E R
08/07/2022

1. The Commission vide earlier order dated 29.9.2021 has passed an order to furnish the information within one month. But no action was taken by the SPIO. In the meantime, the Sri Utpal Kr. Sharma, Director in charge, Dairy Development Department, Assam, Khanapara has submitted a review petition dated 22.11.2021. This review petition was disposed off vide order dated 6.12.2021 with a direction to furnish the information to the petitioner and this order copy was also marked to the SPIO of Dairy Development Department as well as Sri Utpal Kr. Sharma, Director in charge , Dairy Development Department, Assam, Khanapara.
2. In the meantime, the SPIO of Dairy Development, Assam Khanapara, Guwahati has sent a letter to the petitioner on 26.11.2021 mentioning that 10%, 12%, 15% and 10% of Basic Salary of Sri Utpal Kr. Sarmah was drawn on House Rent Allowance w.e.f. 1.12.84 to 31.10.2021.
3. In connection with furnishing of this information, the petitioner filed a complaint against non-compliance of Commission's order dated 30.7.2021 before the Commission and accordingly the matter was taken up for hearing.
4. The petitioner is present.
5. The Public Authority is represented by Sri Biswadeep Hazarika, RDEO cum SPIO, Directorate of Dairy Development, Assam and he is accompanied by Sri Dwijen Choudhury, Directorate of Dairy Development Deptt. Assam.
6. The SPIO of Dairy Development Department, Assam, Khanapara, Guwahati who is continuing as SPIO from July 2021 submitted a prayer before the Commission that since the information relates to House Rent Allowance drawal of Sri Utpal Kr. Sharma, Director in charge who was posted at Bebajia, Nagaon O/o the Dairy Development Officer, O/o the Superintendent Town Milk Supply Scheme, Khanapara and then as Director in charge of Dairy Development Department, Khanapara, Guwahati, he had written two letters vide letter no. DD/A-1/235/Pt-D-II/2021-22/2398 Dated Khanapara the 9/11/2021 and DD/A-1/235/Pt-D-II/2021-22/2399 Dated Khanapara the 9/11/2021 for collection of information from different offices. Surprisingly in both the letters, the SPIO had not mentioned that the information is required as per the order of the State Chief Information Commissioner, Assam in connection with RTI petition of Sri Joydeb Das and he has also not mentioned the urgency of the information.
7. Another interesting aspect is that even after lapse of reasonable time and for the reason best known to him, he had not submitted any reminder for collection of the information and furnishing the same to the petitioner.
8. The petitioner says that from the inception of the RTI petition, the SPIO instead of following the provision of the RTI Act, 2005 that stipulates maximum furnishing

of information and non-furnishing is only on exceptional ground, has deliberately delaying furnishing of correct and detailed information with the motive of safeguarding the delinquent officer.

9. **Therefore, the Commission directs the SPIO to furnish the detailed information within one month without any further delay.**

The Commission also orders to mark a copy of this order along with previous orders to the Chief Secretary, Assam to take note that Sri Utpal Kumar Sharma, Director in charge, Dairy Development Department, Assam, Khanapara as well as his wife who is working in IOCL had drawn House Rent Allowances when both were staying together in same location. It is revealed during the hearing of RTI petition.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KPM 259/2022

Dtd. 8.7.2022

Copy to:

1. The S.O. to Chief Secretary, Assam for information.
2. The SPIO, O/o the Director, Dairy Development Department, Assam, Khanapara, Guwahati 22 for information.
3. The petitioner Sri Joydeb Das, S/o Lt. Karunamoy Das, House No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission