



**TRIPURA INFORMATION COMMISSION**

P. N. Complex: Gorkhabasti  
Agartala – 799 006

**Complaint No. TIC - 26 of 2010-11.**

Sri Aditya Kumar Tewari  
S/O Late Adinath Tewari  
Kamalpur Town  
P.O.- Kamalpur  
Dhalai District.....Complainant

Vs

Sri Uttam Kumar Debbarma, CDPO, Ambassa, Dhalai District, Tripura (State Public Information Officer).....Opposite Party

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**ORDER**

**Dated, 05.06.2010**

The written complaint dated 26.04.2010 of Sri Aditya Kumar Tewari (herein after referred to as the complainant) sent by courier post was received by this Commission on 04.05.2010. On perusal, the said written complaint was found to have accompanied by a copy of the written request dated 23.04.2010 submitted to the SDM, Ambassa while the allegations were lodged against the CDPO, Ambassa. In response to this Commission's order dated 04.05.2010 communicated vide No.F. 4(2)/SCIC/TIC/06(P)-II/284-85 dated 04.05.2010, the complainant under his letter dated 26.05.2010 has now submitted the original copy of the written request dated 23.04.2010 addressed to the CDPO, Ambassa, which has been received by this Commission on 04.06.2010.

2. Brief facts leading to this complaint are that on 23.04.2010, the complainant had sent one Sri Partha Chakraborty as his representative to the office of the CDPO, Ambassa to submit a written request seeking certain items of information under the RTI Act, 2005 (for short the Act). But, the said written request for information could not be submitted as the CDPO, Ambassa had refused to accept the same on the ground that the concerned dealing clerk was absent on that day and advised the representative of the complainant to submit the application for information on a subsequent date when the concerned dealing clerk would be available in the office. The complainant has, therefore, approached this Commission with this complaint seeking direction to be given to the concerned SPIO for acceptance of his written request for information and also to allow him to have access to the information sought for by him.

3. This Commission has no reason to disbelieve the submissions made by the complainant in his written complaint. The CDPO, Ambassa being the designated State Public Information Officer (SPIO) was required under the Act to put in place the appropriate mechanisms in his office so that the RTI applications are received, attended and disposed of in compliance with the provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules). It was, therefore, most improper and also violative of the provisions of the Act and the Rules on the part of the CDPO, Ambassa to deny acceptance of the written request for information of the complainant on the plea that the concerned dealing clerk was not present in the office on that day making him liable to be penalized under section 20(1) of the Act. However, this is being the first case of the CDPO, Ambassa before this Commission, I am inclined to take a lenient view with a strong warning to be administered on the OP being the SPIO.

4. Let the original copy of the written request dated 23.04.2010 of the complainant addressed to the CDPO, Ambassa, acceptance of which was denied by the latter and subsequently submitted to this Commission be sent to the CDPO, Ambassa along with its enclosures.

5. Under the above circumstances, the complaint stands disposed of with the following orders:-



- (i) The OP Sri Uttam Kumar Debbarma, CDPO, Ambassa and the SPIO is warned that he should be careful and circumspect in future in handling with the RTI applications and also directed to place appropriate mechanisms in his office forthwith so that the RTI applications are received, attended and disposed of by him strictly in adherence to the relevant provisions of the Act and the Rules.
- (ii) The complainant is directed to pay the requisite amount of application fee to the CDPO, Ambassa by way of either in cash or treasury challan or Indian Postal Order within a period of 15 days from the date of issue of this order.
- (iii) Immediately on receipt of payment of the application fee, the money receipt for the same should be issued to the complainant and within a period of 30 days from the date of receipt of such payment, the OP being the SPIO shall attend and dispose of the written request dated 23.04.2010 of the complainant being sent to him by this Commission strictly in compliance with the relevant provisions of the Act and the Rules.
- (iv) In the event of his failure to comply with the above orders, penalty proceedings under section 20(1) of the Act would be initiated against Sri Uttam Kumar Debbarma, CDPO, Ambassa and the SPIO.
- (v) In case, the complainant does not get a favourable response/decision from the SPIO, he will have the liberty to avail of the opportunities available under sections 18(1) or 19(1) and 19(3) of the Act, as the case may.
- (vi) The OP is further directed to submit a report of compliance to this Commission forthwith.

6. This is issued in partial modification of this Commission's order dated 04.05.2010.



7. Let copy of this order be sent to the complainant, the OP and the SDM, Ambassa Sub-Division. Also send a copy of this order to the Principal Secretary to the Government of Tripura, SW&E Department being the head of the Public Authority.

Sd/-  
(B.K.Chakraborty)  
State Chief Information Commissioner

No. 513-16

Dated, 05.06.2010

Copy to:-

1. Sri Aditya Kumar Tewari, S/O Late Adinath Tewari, Kamalpur Town, P.O.-Kamalpur, Dhalai District (Complainant).
2. Sri Uttam Kumar Debbarma, CDPO, Ambassa, Dhalai District, Tripura (State Public Information Officer)- OP (five sheets are enclosed).
3. The Sub-Divisional Magistrate, Ambassa, Dhalai District.
4. The Principal Secretary to the Government of Tripura, Social Welfare & Social Education Department, Capital Complex, Agartala (Head of the Public Authority).

  
(S.C.Saha)  
Secretary

Tripura Information Commission