



In the Tripura Information Commission
P. N. Complex: Gorkhabasti : Agartala

Appeal No 22 of 2007-08.

Smt. Ila Deb, Stenographer
Tripura Jute Mills Ltd
Hapania, Agartala.....Appellant

Vs.

1.The Managing Director, Tripura Jute Mills Ltd, Hapania, Agartala (First Appellate Authority),
2. Sri A.K.Gupta, Senior Production Officer, Tripura Jute Mills Ltd, Agartala: (SPIO).....Respondents

In the matter of a second appeal under section 19(3)
of the Right to Information Act, 2005.

PRESENT:

1. Sri B.K.Chakraborty
State Chief Information Commissioner
2. Sri D.K.Daschaudhuri
State Information Commissioner

For the Appellant: The appellant herself.

For the Respondent No.1: Sri D. Datta, Managing Director, Tripura Jute Mills Ltd, Agartala (FAA).

For the Respondent No.2: Sri A.K.Senior Production Officer, Tripura Jute Mills Ltd, Agartala (SPIO).

Date of lodging second appeal : 08.02.2008

Date of hearing second appeal: 22.02.2008

Date of pronouncing judgment and order: 07.03.2008

JUDGMENT & ORDER

Facts:

1. This second appeal under section 19(3) of the RTI Act, 2005 (for short the Act) arises out of a memorandum of appeal dated 07.02.2008 of Smt. Ila Deb (here in after referred to as the appellant) received by this Commission on 08.02.2008..

2. The facts leading to this second appeal are that the appellant submitted a written request on 03.12.2007 to Sri A.K.Gupta, Senior Production Officer, Tripura Jute Mills Ltd (TJML), Agartala being the State Public Information Officer (SPIO) seeking 7 items of information under the Act depositing the application fee of Rs.10/- in cash. In response, the SPIO



provided part information on 01.01.2008 to the appellant denying the rest on the ground of inadequate description and non-availability of the information sought for. Being aggrieved with the decision of the SPIO, the appellant preferred a first appeal on 05.01.2008 to the Managing Director, TJML, Agartala being the First Appellate Authority (FAA). But the FAA did not respond to the memorandum of first appeal of the appellant within the statutory period of 30 days. Hence, the appellant approached this Commission by way of this second appeal seeking appropriate redress to have access to the information sought for vide her written request dated 03.12.2007. The appellant furnished photocopies of the relevant papers along with the memorandum of appeal.

3. On perusal of the memorandum of appeal with enclosures, it is found in form and within time and, therefore, is admitted as second appeal under section 19(3) of the Act.

4. In response to the summons, Respondent 1- Sri D. Datta, Managing Director, TJML, Agartala (FAA) and the Respondent 2- Sri A.K.Gupta, Senior Production Officer, TJML Agartala (SPIO) appeared and submitted their respective written representations before this Commission.

Issues for decision:

5. In consideration of the memorandum of appeal with enclosures and the written representations of the Respondents, the following issues require decision:-

- (i) Did the Respondent 2 being the SPIO provide adequate information to the appellant in response to her written request dated 03.12.2007? If not, to what further information the appellant is entitled to have access?
- (ii) Did the Respondent 1 being the FAA commit any breach of law by not attending the memorandum of first appeal dated 05.01.2008 of the appellant?

Reasons for decision:

6. Issue No. (i): We have carefully examined the written request dated 03.12.2007 of the appellant, the information provided by the Respondent 2 and the written representations of the Respondents. The information sought for by the appellant under her written request dated 03.12.2007 are as follows:-

"(i) Photocopies in respect of Minutes cum proceedings, recommendation, merit list/select list drawn by the recruitment board or selection board/committee of TJML for fill up the post of Stenographer of TJML in the year 1989.

(ii) Photocopies in respect of Memorandum for constitution of Departmental Promotion Committee for filling up the post of PA to MD, TJML by which Smti.



Manorama Biswas has been promoted and gradation/seniority list of Stenographer for the year 1998 and 1999.

(iii) Photocopies in respect of minutes cum proceedings, recommendations, merit list of DPC for promotion of Smt. Manorama Biswas in the post of PA to MD, TJML.

(iv) Photocopies in respect of post creation sanctioned order of the Govt. of Tripura/BOD, TJML for the post of PA to MD, TJML and its continuation order(s).

(v) Photocopies of Recruitment Rules for the post of PA to MD, TJML.

(vi) Whether TJML has narrated as terms and conditions in offer of appointment letter(s) (23-08-1989) for appointee stenographer that she/they will be entitled to the annual increment & confirmed in the post only after the successful completion of the probation period and allowed after acceptance time/period, joining time- convey information.

(vii) Photocopies of order(s) of competent authority for approval of promotion to the post of PA to MD, TJML & procedure of such promotion approval."

7. In response to the above written request of the appellant, the Respondent 2 under his covering letter dated 01.01.2008 provided photocopy of the file note, which contained the following :-

" Smt. Manorama Biswas, Stenographer of the company was ordered for function as P.A. to the M.D.TJML vide No. TJ/MD(3)/RD/845-53 dt. 30-12-1998. Smt. Biswas is quite efficient in her job and deserve remuneration for her job. So she may be regularized in the post of P.A. to the M.D. , TJML."

" May kindly see for approval.

Sd/-
(R.C.Choudhuri)
15.06.99
Managing Director

Minister(I&C)
Sd/-
Pabitra Kar
15.06.99

Order signed
Sd/-
Illigible
15/6"

8. In the above noted covering letter, the Respondent 2 also mentioned as thus:-

" Excerpt of the appointment offer to the post of Stenographer is also given below as desired by you :-

You will be on probation for a period of one year. Probation period may be extended for a further stipulated period at the discretion of the management. You will be entitled to the Annual Increment and will be confirmed in the post only after the successful completion of the probation period.

Other documents asked for without mentioning any file No./vol No. can not be possible to supply."

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9. After careful appreciation of the information provided by the Respondent 2, we are of the view that the information already provided by the Respondent 2 satisfied partial disclosure of the information sought for under items No.3, 6, and 7. We are not at all satisfied with the reasons given by the Respondent 2 for not providing the remaining 4 items of information. Denial of information on the ground of non-mentioning of file number/volume number is not acceptable since the SPIO is under obligation to render necessary assistance to a requester to get the description of the information intelligible. We do not consider it necessary to make discussion on the admissibility of the information sought for disclosure item-wise. It is very much clear from the photocopy of the file note as quoted in paragraph- 7 above that the Managing Director, TJML signed an order in pursuance of the note after having approval of the concerned Minister. So, the Respondent 2 being the SPIO was under obligation to provide a copy of the said order to the appellant. That apart, in the covering letter, the Respondent 2 informed the appellant only some portion of the terms and conditions of the service, details of which are supposed to have been contained in the offer of appointment. Therefore, in order to make complete disclosure about the terms and conditions of the service, the Respondent 2 should have provided a copy of the offer of appointment in issue to the appellant. In case of non availability of the information, the actual current status of the records should have been disclosed to the appellant against each item of information sought for. So, the appellant is entitled to have access to the complete information against items 3,6 and 7 and the actual current status of the records pertaining to the information against items 1,2,4 and 5 sought for by the appellant, which the Respondent 2 being the SPIO is under obligation to disclose. The first issue is decided accordingly.

10. Issue No. (ii): It is admitted by the Respondent 1 that the first appeal dated 05.01.2008 of the appellant was received by the office of the TJML, but it was not placed before him at all and he could know about filing of the said first appeal by the appellant only after receipt of the summons of this Commission. Thereafter, on scrutiny, it was revealed that the memorandum of first appeal in issue was missing from the receipt section of the TJML, he added. However, in course of hearing, the Respondent 1 assured this Commission that he would make necessary arrangements so that such mismanagement does not occur in future. We are not satisfied with the explanation offered by the Respondent 1. In compliance with the directions of this Commission, it was confirmed by the Respondent 1 in another case that he constituted a cell in the TJML for exclusively dealing with the RTI matters. So, it is not understandable under what circumstances, a memorandum of first appeal would be missing from the receipt section where a first appeal is required to be received either by the SPIO or by the appellate authority. We are constrained to direct the Respondent 1 to make a thorough enquiry into the matter and to take appropriate disciplinary action against the officials found in dereliction of duties under intimation to this Commission.

Decision:

11. In fine, the appeal is allowed on contest with the following orders:-



- (i) The Respondent 2 being the SPIO shall provide complete information against items 3, 6 and 7 and the current status of the records pertaining to the information against items 1,2,4 and 5 as mentioned in the written request dated 03.12.2007 of the appellant in the light of the discussion made in paragraph - 9 above within a period of 15 days from the date of passing of this judgment and order free of cost under intimation to this Commission.
- (ii) The Respondent 1 being the head of the Public Authority shall take appropriate disciplinary action against the officials who have failed to produce the memorandum of first appeal of the appellant in issue before the Respondent 1 being the FAA and the action taken should be confirmed to this Commission immediately.

12. Let copy of this judgment and order be sent to the appellant and the Respondents.

13. Pronounced

Sd/-
(D.K. Daschaudhuri)
State Information Commissioner

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

Authenticated:


(S.C. Saha)
Secretary

Tripura Information Commission

TRIPURA INFORMATION COMMISSION
P, N, Complex: Gorkhabasti: Agartala

Appeal No - 22 of 2007-08/ 253-55

March 07, 2008

Copy to: -

1. Smt. Ila Deb, Stenographer, Tripura Jute Mills Ltd, Hapania, Agartala (Appellant).
2. The Managing Director, Tripura Jute Mills Ltd, Hapania, Agartala (First Appellate Authority).
3. Sri A.K.Gupta, Senior Production Officer, Tripura Jute Mills Ltd, Agartala. (SPIO).


(S.C. Saha)
Secretary

Tripura Information Commission