



## TRIPURA INFORMATION COMMISSION

P.N. COMPLEX: GORKHABASTI: AGARTALA

APPEAL NO. TIC- 13 OF 2009-10

Sri Ram Singh Chauhan  
C/O Dr. R. Kr. Chauhan  
CMO (MRG, H/S), ACC Hospital  
P.O. – Jamul : District – Durg (C.G.)  
Pin - 490024.....Appellant

Vs.

1.Sri Amulya Reang, Joint Director of School Education, Government of Tripura, Agartala (First Appellate Authority).  
2.Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer).....Respondents

### ORDER

Dated, 08.01.2010

The appellant is absent by a petition dated 30.12.2009 sent by speed post and received by this Commission on 06.01.2010 expressing his inability to attend the hearing on the ground of his wife's illness and requested the Commission to decide the second appeal on merit in his absence.

2. Respondent 1 Sri Amulya Reang, Joint Director of School Education, Government of Tripura, Agartala and the First Appellate Authority (FAA) and the Respondent 2 Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala and the State Public Information Officer (SPIO), both appeared and submitted their respective written representations, which are attached to records.

3. Heard oral submissions made by the Respondents 1 and 2. Also perused the memorandum of second appeal dated 23.10.2009 with enclosures, the written request dated 07.03.2009 for information, the information furnished by the SPIO vide his letter dated 24.05.2009, the order dated 22.08.2009 of the then FAA passed in the first appeal dated 12.06.2009 and the written representations of the Respondents 1 & 2.



4. Brief facts leading to this second appeal are that the appellant made a written request on 07.03.2009 to the SPIO in the Directorate of School Education, Government of Tripura accompanied by the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). Being dissatisfied with the information provided by the concerned SPIO vide his letter No. 18(1-239)/SE/RTI/90-44 dated 24.05.2009, the appellant preferred a first appeal on 12.06.2009 which was decided by the FAA in the Directorate of School Education, Government of Tripura vide his order dated 22.08.2009. Being aggrieved with the said order of the FAA, the appellant has approached this Commission with this second appeal seeking direction to have access to the information sought for by him. Along with the memorandum of second appeal, the appellant has furnished photocopies of the documents as required by this Commission.

5. The information sought for by the appellant vide his written request dated 07.03.2009 submitted to the SPIO in the Directorate of School Education, Government of Tripura are summarized below:—

(i) The Headmaster of U.K. Academy did not furnish the current status and the action taken report on the letter No. Pen-1/C&AG/Complaint/90-91(3233) dated 18.09.1992.

(ii) Deemed implication of the punishment order issued by the Director of Education, Government of Tripura vide No. 44(959)-DE/71 dated 04.03.1978 having a reference to the order dated 31.10.2007 of the Tripura Information Commission passed in Appeal No- 10 of 2007-08.

(iii) Certified copy of the letter No.F. 6(1-490)-DSE/88(1) dated 28.08.1993.

(iv) The current status and action taken on the letter No.F. 2(18)-UKA/93/817 dated 26.11.1993 of the Headmaster, U.K. Academy sent to the AG, Tripura.

(v) The circumstances and the rules under which 41 days leave for the period from 26.09.1971 to 05.11.1971 was sanctioned by the competent authority at his own without having any formal leave application or consent of the appellant.

6. In response to the written request in issue, the concerned SPIO vide his letter dated 24.05.2009 had furnished the information to the appellant in respect of

*(Handwritten signature)*



items-(ii), (iv) and (v) while the request under items- (i) and (iii) were transferred to the SPIO of U.K.Academy. Being dissatisfied with the information provided and the action taken by the SPIO, the appellant had preferred a first appeal on 12.06.2009 to the FAA in the Directorate of School Education, Government of Tripura. The FAA vide his order dated 22.08.2009 passed in the said first appeal had agreed to the decisions of the SPIO in respect of items – (i), (ii), (iv) and (v) and directed the SPIO to furnish the certified copy of the letter No.F.6(1-490)-DSE/88(1) dated 22.08.1993 to the appellant against item –(iii). It was incorrect on the part of the SPIO in the Directorate of School Education, Government of Tripura to transfer the request under items- (i) and (iii) to the SPIO of U.K.Academy as both the SPIOs are under the same public authority. The SPIO in the Directorate of School Education, Government of Tripura was under the obligation to collect the information against these two items from the SPIO of U.K.Academy and provide the same to the appellant. Except item- (iii), the FAA also failed to address and decide the other issues related to the remaining four items properly in accordance with the requirement of the Act.

7. In consideration of the facts and the circumstances of the case, the second appeal stands disposed of with the following orders:-

(a)The request of the appellant is accepted and the second appeal is decided on merit in his absence.

(b)The Respondent 2 being the SPIO in the Directorate of School Education, Government of Tripura is directed to collect the information against item –(i) from the Headmaster (SPIO) of U.K.Academy and furnish the same to the appellant as both of them are under the control of the same public authority.

(c)Regarding item-(ii), the factual position was discussed elaborately at paragraph-11 of this Commission's judgment and order dated 31.10.2007 passed in Appeal No-10 of 2007-08 and in the light of the said discussion, the Respondent 2 was directed to furnish a clarification about the revocation of the contemplated suspension order issued vide No.F.7(1)HEO/71 dated 08.09.1971 vide paragraph -18(ii)(b) of the said judgment and order. The Act does not empower an SPIO to interpret and explain implication of an order issued by the competent authority. However, the

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Respondent 2 being the SPIO is directed to furnish only the factual position to the appellant under this item.

(d) The Respondent 2 being the SPIO is directed that the certify copy of the letter No.F. 6(1-490)-DSE/88(1) dated 28.08.1993 be provided to the appellant as sought for under item –(iii).

(e) Regarding item –(iv), it appears that the letter No.F.2(18)-UKA/93/817 dated 26.11.1993 was sent to the AG, Tripura by the Headmaster of U.K.Academy. Therefore, the appellant may approach the AG, Tripura to have necessary information in this regard. The Respondent 2 being the SPIO is under no obligation to provide any information under this item.

(f) Regarding the information under item-(v), the Respondent 2 being the SPIO is not supposed to explain the circumstances and the reasons for any action taken or orders issued by any authority. In fact, the request under item-(v) is not an 'information' within the meaning of section 2(f) of the Act. The appellant, therefore, deserves no further information under this item.

(g) The Headmaster (SPIO) of U.K.Academy is directed to make all the records/documents pertaining to the information sought for under item-(i) available with the SPIO in the Directorate of School Education, Government of Tripura for their disclosure to the appellant within the time specified by this Commission.

(h) The whole process as directed above shall be completed within a period of 20 days from the date of passing of this order and the Respondent 2 shall submit a compliance report to this Commission forthwith.

8. Let copy of this order be sent to the appellant, the Respondents 1 & 2 and the Headmaster, U.K. Academy. Also send a copy of this order to the Director of School Education, Government of Tripura being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner



No. 13-176

Dated, 08.01.2010

Copy to:-

1. Sri Ram Singh Chauhan, C/O Dr. R. Kr. Chauhan, CMO (MRG. H/S), ACC Hospital, P.O. - Jamul: District - Durg (C.G.), Pin - 490024 (Appellant).
2. Sri Amulya Reang, Joint Director of School Education, Government of Tripura, Agartala (First Appellate Authority)- Respondent 1.
3. Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer)- Respondent 2.
4. Sri Kalyan Bhadra, Headmaster, Umakanta Academy, Agartala (State Public Information Officer).
5. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

  
(S.C.Saha)  
Secretary

Tripura Information Commission