



TRIPURA INFORMATION COMMISSION  
P.N. COMPLEX: GORKHABASTI: AGARTALA

Complaint No. TIC- 48 OF 2009-10

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

Vs.

1. Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer).  
2. Sri Kalyan Bhadra, Headmaster, UK Academy, Agartala (State Public Information Officer).....Opposite Parties

**ORDER**  
**Dated, 16.02.2010**

The written complaint dated 06.02.2010 of Sri Ram Singh Chauhan (here in after referred to as the complainant) sent by speed post has been received by this Commission on 15.02.2010. It is alleged by the complainant that the orders dated 08.01.2010 of this Commission passed in Appeal No.TIC-13 of 2009-10 have not been complied with by Smt. Swapna Das (Bal), Deputy Director of School Education and the State Public Information Officer (SPIO) in the Directorate of School Education, Government of Tripura and Sri Kalayan Bhadra, Headmaster and the SPIO of UK Academy, Agartala and, therefore, has approached this Commission with this complaint seeking direction to have access to the balance information not provided by the above SPIOs.

2. The operative portion of the orders dated 08.01.2010 passed by this Commission in Appeal No.TIC-13 of 2009-10 runs as follows:-



\*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 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

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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."

3. The Opposite Party (OP) 1 Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura and the SPIO vide her letter No.F.18(1-239)SE/RTI/09-1335 dated 27.01.2010 has furnished the following information to the complainant:-

- i) The SPIO, UK Academy has stated in his letter that no such information is found in his office.
- ii) The factual position is that the memo No.F.7(1)-HEO/71 dated 8-9-1971 is not at all an order of suspension. You were given an opportunity to join your new place of posting and if you do not join by 17-9-71 you would be placed under suspension. You did not join by the stipulated date and formal order of suspension was issued vide order No.F.44(959)-DE/71 dated 29<sup>th</sup> October, 1971 which was subsequently revoked vide order No.F.44(959)DE/71 dated 9<sup>th</sup> December, 1974. Since the order No.F.7(1)-HEO/71 dated 8-9-1971 is not an order of suspension, so there arises no question of revocation. However a certified copy of the order dated 8-9-1971 is enclosed herewith.
- iii) There is no any letter No.F.6(1-490)/DSE/88(1) dated 28-8-1993 issued from this Directorate but a letter of even number dated 21-8-1993 appears to have been issued. A certified copy of the instant letter is enclosed herewith.
- iv) The letter appears to have been sent to the AG, Tripura by the H.M., UK Academy. Hence the undersigned is under no obligation to provide any information under this item.
- v) The request under item 5 is not an "information" within the meaning of section 2(f) of the Act. As such no information is given.

4. The complainant in his complaint dated 06.02.2010 has agitated as follows:-

- (i) The Headmaster of UK Academy being the SPIO did not make the information pertaining to the current status and the action taken report on the letter No - Pen-1/C&AG/Complaint/90-91(3233) dated 18.09.1992 available with the SPIO in the Directorate of School Education, Government of Tripura for their disclosure to the

*(Handwritten signature)*



complainant disobeying the orders dated 08.01.2010 of the Commission passed in Appeal No. TIC-13 of 2009-10.

(ii) Though mentioned in her letter dated 27.01.2010, but the SPIO of the Directorate of School Education did not furnish the copy of the order No. F.7(1)-HEO/71 dated 08.09.1971 and the letter No. F. 6(1-490)/DSE/88(1) dated 21.08.1993.

(iii) The complainant has also expressed his dissatisfaction about the information furnished by the SPIO in the Directorate of School Education, Government of Tripura under items- 2 & 3 of her letter dated 27.01.2010.

iv) Demanded for action against the public authority and the SPIOs under section 19(8)(b) and 20 of the RTI Act, 2005 (for short the Act) respectively.

5. I have carefully examined the orders dated 08.01.2010 of this Commission passed in Appeal No. TIC-13 of 2009-10, the information provided by the SPIO in the Directorate of School Education vide her letter dated 27.01.2010 and the contents of the complaint dated 06.02.2010 of the complainant. This Commission is satisfied that there was adequate compliance of its order dated 08.01.2010 passed in Appeal No. TIC-13 of 2009-10 by the SPIO in the Directorate of School Education except the certified copies of two documents which are reported to have not been enclosed through oversight. The complainant also could not establish as to how he had suffered any loss or other detriment. Therefore, the demand of the complainant for action against the concerned public authority and the SPIO in the Directorate of School Education under section 19(8)(b) and 20 of the Act respectively does not stand.

6. In consideration of the facts and the circumstances stated above, the complaint stands partially disposed of with the following orders:-

- (a) The SPIO in the Directorate of School Education could not furnish the information under item -(i) as the records/documents pertaining to the said information were not made available with her by the Headmaster of UK Academy. It was specifically directed vide para -7(g) of the order dated 08.01.2010 of this Commission passed in Appeal No. TIC-13 of 2009-10 that the Headmaster of UK Academy being the SPIO should make all the records/documents pertaining to the information sought for under item-(i) available with the SPIO in the

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Directorate of School Education, Government of Tripura for their disclosure to the complainant within a period of 20 days from 08.01.2010. It appears that the Headmaster of UK Academy has denied disclosure of the records pertaining to the information sought for by the complainant with malafide intention in complete violation of the orders dated 08.01.2010 of this Commission. This Commission is, therefore, of the prima-facie view that OP 2 Sri Kalyan Bhadra, Headmaster of UK Academy and the SPIO has contravened the relevant provisions of the Act and also deliberately violated the orders of this Commission making him liable to be penalized under section 20(1) of the Act. As required under the first proviso to section 20(1) of the Act, a reasonable opportunity is afforded to the OP 2 of being heard and to show-cause as to why he shall not be penalized under section 20(1) of the Act by submitting a written representation on the next date and time.

- (b) OP 1 Smt. Swapna Das (Bal), Deputy Director of School Education and the SPIO is directed to furnish the copies of the order No.F.7(1)-HEO/71 dated 08.09.1971 and the letter No. F. 6(1-490)/DSE/88(1) dated 21.08.1993 to the complainant within a period of 15 days from the date of passing of this order duly certified under her name, seal, signature and date.
- (c) The information provided by the SPIO in the Directorate of School Education under item-(ii) are adequate and exhaustive. The complainant deserves no further information in this regard.

7. Fix **25.02.2010 at 11 A.M.** for appearance of the OPs 1 & 2 and submission of written representation by the OP 2 on the show-cause notice.

8. Let copy of this order be sent to the complainant and the OPs 1 & 2. 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. 1076-04

Dated, 16.02.2010

Copy to:-

1. Sri Ram Singh Chauhan, C/O Dr. R. Kr. Chauhan, CMO -H/S ACC, Hospital, P.O. - Jamul : District - Durg (C.G.), Pin - 490024 (Complainant).
2. Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer)- OP 1. A copy of the written complaint dated 06.02.2010 of the complainant is enclosed.
3. Sri Kalyan Bhadra, Headmaster, UK Academy, Agartala (State Public Information Officer) - OP 2. Copies of the written complaint dated 06.02.2010 of the complainant and the letter dated 27.01.2010 of the SPIO in the Directorate of School Education, Government of Tripura are enclosed.
4. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

(S.C.Saha)  
Secretary

Tripura Information Commission