



## TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

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Complaint No. TIC – 31 of 2009-10

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### ORDER

Dated, 29.12.2009

The Complaint No. TIC-31 of 2009-10 was partially disposed of by this Commission vide its order dated 09.11.2009 with the following direction:-

- (i) OP Sri Samarendra Das, DFO, Working Plan Division No-II, Agartala and the SPIO should collect the information sought for by the complainant vide his written request dated 06.10.2009 from the office of the DFO, Gumti Forest Division and furnish the same to the complainant within a period of 30 days from 09.11.2009.
- (ii) This Commission was of the prima facie view that the OP being the SPIO had contravened some provisions of the Act the Rules and was liable to be penalized under section 20(1) of the Act. However, as required under the first proviso to section 20(1) of the Act, OP Sri Samarendra Das, DFO, Working Plan Division No-II, Agartala and the SPIO was afforded with a reasonable opportunity of being heard and showing cause by submitting a written representation as to why he should not be so penalized under section 20(1) of the Act.

2. OP Sri Samarendra Das, DFO, Working Plan Division No-II, Agartala and the SPIO appeared on 23.11.2009 and submitted his written representation dated 17.11.2009 on the show cause notice issued by this Commission proposing penalty under section 20(1) of the Act stating that the summons issued by this Commission vide no - 1105 dated 22.10.2009 was not received by him and, therefore, he could not attend on 09.11.2009 and requested this Commission to fix up another date to hear the complaint in his presence. This prayer of the OP was considered and allowed.

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3. In his written representations dated 17.11.2009 and 26.12.2009, OP has submitted that he was never against the disclosure of the information to the complainant as sought for by him. However, all the information as sought for by the complainant vide his written request dated 06.10.2009 have now been furnished to him on 17.11.2009 and 24.11.2009 at his satisfaction and the delay caused because considerable time was taken to collect the documents pertaining to the information from the office of the DFO, Gumti Forest Division, OP added.

4. Smt. Tulu Debnath, Ld. Advocate vide her letters dated 23.11.2009 and 24.11.2009 submitted on behalf of the complainant Sri Partha Roy has confirmed that they have received the certified copies of the required information from the SPIO in the office of the DFO, Working Plan Division No-II, Agartala and the complainant is fully satisfied with the information provided to him.

5. There exists no doubt that the OP being the SPIO had contravened some provisions of the Act and the Rules in dealing with the written request of the complainant in issue. However, in consideration of the facts and the circumstances stated above and the fact that the OP has finally provided the required information to the complainant and that the complainant is fully satisfied with the information provided to him, this Commission is inclined to take an extraordinary lenient view and to direct that the penalty proposal initiated against the OP under section 20(1) of the Act be dropped and formal warning be administered on the OP Sri Samarendra Das, DFO, Working Plan Division No-II, Agartala and the SPIO that he should be more careful and circumspect in future in dealing with the written request for information strictly in adherence to the relevant provisions of the Act and the Rules.

6. With the above findings and orders, the complaint stands finally disposed of.

7. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the PCCF, Government of Tripura being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

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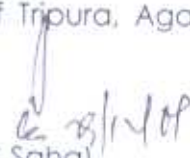
No. 1387-89



Dated, 29.12.2009

Copy to:-

1. Sri Partha Roy, S/O Sri Manoranjan Roy, West side of Netaji Chowmuhani, Gangail Road, Agartala- 799001, West Tripura (Complainant).
2. Sri Samarendra Das, Divisional Forest Officer, Working Plan Division No-II, Jagaharimura, Agartala (State Public Information Officer) – OP.
3. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).

  
(S.C.Saha)  
Secretary

Tripura Information Commission