

IN THE TRIPURA INFORMATION COMMISSION
PANDIT NEHRU COMPLEX: AGARTALA

APPEAL NO 3 OF 2006-07

MR. M. A. Khan, Retired PCCF
66, Prakash Vihar, Dehradun Appellant

Vrs.

- 1) The Conservator of Forests (Social Forestry)
Office of the PCCF, Tripura
- 2) Conservator of Forests (Wild Life)
Office of the PCCF, Tripura Respondents

**In the matter of a 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 : None.

For the Respondents:

1. Sri B. S. Mishra, Conservator of Forests (Social Forestry), Office of the PCCF, Tripura.
2. Sri C. M. Debbarma, Conservator of Forests (Wildlife), Office of the PCCF, Tripura.

Date of Hearing : 31.07.2006
Date of Pronouncing Judgment : 31.07.2006

JUDGMENT & ORDER

Facts :

Mr. M. A. Khan, retired Principal Conservator of Forests, Government of Tripura (hereinafter referred to as the Appellant) sent a written appeal dated 05.07.2006 received by this Commission on 10.07.2006 stating as thus – the Appellant sent a written request on 20.11.2005 to the State Public Information Officer (SPIO), O/O. PCCF, Tripura to supply him copies of the correspondences as stated in the request. He also paid application fee of Rs. 10/- and additional fee of Rs. 2/- as required by the SPIO. Subsequently, the PCCF (I/c) vide his order dated 02.01.2006 directed the appellant to collect the information in person through the Additional PCCF, Tripura. He further stated that although he sent a self addressed and self stamped envelope to send the information to him by registered post, but the information has not been supplied. In response, the SPIO sent some papers not relevant to his requisition the Appellant added.

2. The Appellant submitted that the way the matter of disposal of request for information has been dealt, he did not feel it necessary to refer it to the Appellate Authority in the Office of the PCCF as the Appellant believes that the Appellate Authority can not review the orders of the Higher authority and hence he preferred this appeal before this Commission seeking the following relief: -

- (i) Whether the way of communication made by the PCCF, Tripura vide letter dated 02.01.2006 (Annexure-4 with the appeal) is in order;
- (ii) Whether the applicant who is a retired PCCF can be asked to collect the paper in person;
- (iii) Whether the SPIO is not under obligation to supply the information under registered post when a self addressed and self-stamped envelope was sent by the requestor.

3. Prima-facie, this Commission has admitted the appeal under section 19(3) of the RTI Act, 2005. Summonses have been issued to the Respondents namely (i) Mr. B. S. Mishra, Conservator of Forests (Social Forestry), Office of the PCCF, Tripura and (ii) Mr. C. M.

Debbarma, Conservator of Forests (Wildlife), Office of the PCCF, Tripura.

4. In response to the summonses, both the Respondents appeared before the Commission on 31.07.2006 and made their oral submission.

5. The Appellant remained absent without any step on the date of hearing despite notice.

6. After a careful perusal of the appeal and the papers annexed therewith, it reveals that the Appellant without preferring any appeal to the First Appellate Authority against the decision of the SPIO as required under the provisions of Section 19(1) of the RTI Act, 2005, he advanced to this Commission with the appeal directly. Since the SPIO has communicated his decision of furnishing the information to the Appellant in response to the request of the latter directing him to collect the information from room no. 203 of the Office of the SPIO, the Appellant being dis-satisfied with that decision should have preferred first appeal with the First Appellate Authority (Chief Conservator of Forests, Wildlife) in the office of the PCCF, Tripura. The ground for not preferring the first appeal with the Departmental Appellate Authority as mentioned in the appeal by the Appellant is not at all acceptable to this Commission. Hence, the appeal is liable to be dismissed.

7. The Respondents orally submitted that they are ready to furnish the information to the Appellant on the basis of his request dated 20.11.2005. This apart, they are also ready to send the copy of the Supreme Court Judgment delivered on 17.12.1996 as mentioned by the Appellant in Annexure-8 to the appeal. They have also informed the Commission that although the Appellant mentioned in the appeal as to have sent a self addressed and stamped envelope, but the SPIO has not received any such envelope. This Commission considered the submission of the Respondents. Since the Respondents are ready to furnish the information to the Appellant, the Commission is of the view that instead of dragging further with the matter, the SPIO shall send the aforesaid information to the Appellant by post at the expense of the Office of the SPIO without charging any further fees.

Decision :

8. In the light of the discussions made in Para-6 & 7 above, the appeal stands disposed of with the order that the SPIO, Conservator of Forests (Wild Life), Office of the PCCF, Tripura shall disclose the information as per request dated 20.11.2005 and 08.03.2006 of the Appellant within 15 (fifteen) days from the date of this judgment and order and the information should be sent to the residential address of the Appellant by post at the cost of the Office of the SPIO without charging any further fees under intimation to this Commission.

9. Let copy of the judgment and order be supplied free of cost to the Appellant and the Respondents.

10. Pronounced.

Sd/-

[D. K. Daschaudhuri]

State Information Commissioner

Sd/-

[B. K. Chakraborty]

State Chief Information Commissioner