

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



Complaint No 15 of 2006-07.

Mr. M.A. Khan, Retd, PCCF  
66- Prakash Vihar, Dharampur  
P.O.- Araghar, Dehradun  
Uttranchal - 248001..... Complainant

Vs

Sri C.M. Debbarma,  
Conservator of Forests (Wild Life), Office of the PCCF, Tripura, Agartala  
(SPIO).....Opposite Party

In the matter of a complaint under section 18  
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 Complainant: None.

For the Opposite Party: Sri C.M. Debbarma, Conservator of Forests ( Wild Life),  
Office of the PCCF, Tripura, Agartala.(SPIO)

Date of lodging complaint: 05.09.2006

Dates of hearing argument: 21.09.2006

Date of pronouncing judgment: 21.09.2006

**JUDGMENT & ORDER**

**Facts:**

1. This complaint arises out of a petition dated 19.08.2006 of Mr. M.A. Khan, Retd. PCCF, Tripura (here-in-after referred to as the complainant) received on 05.09.2006 by registered post. The allegation is that the State Public Information Officer (SPIO) in the Office of the PCCF, Tripura (here-in-after referred to as the Opposite Party- for short OP) has not furnished full information in compliance with the order of this Commission passed on 31.07.2006 in Appeal No- 3 of 2006-07 and also the order of the First Appellate



Authority (for short FAA) in the Office of the PCCF, Tripura passed on 04.08.2006 in Appeal No. 1 of 2006-07.

2. The allegation of furnishing incomplete information is a ground for lodging complaint under section 18 of the RTI Act, 2005 (for short the Act) and, therefore, the petition is admitted as a complaint.

3. In response to the summons, Sri C.M. Debbarma, Conservator of Forests (Wild Life) and SPIO in the Office of the PCCF, Tripura, Agartala appeared and submitted a written representation stating that he has already complied with the order dated 31.07.2006 passed by this Commission in Appeal No- 3 of 2006-07 by furnishing the information to the complainant vide letter No.F.21 (2)/For-05/RTI/362-65 dated 11.8.2006.

**Point for decision :**

4. The only point to be decided is, has the SPIO furnished the full information in compliance with the order dated 31.07.2006 passed by this Commission in Appeal No- 3 of 2006-07 and the order dated 04.08.2006 passed by the FAA in the Office of the PCCF, Tripura, Agartala in Appeal No-1 of 2006-07?

**Reasons for decision :**

5. We have carefully gone through the petition of the complainant dated 19.08.2006 and all the annexure appended to the said petition. We have also perused the representation of the OP and inspected the relevant file in connection with furnishing information by the OP as produced by the latter before this Commission. It transpires that the OP has furnished all the information to the complainant under a forwarding letter bearing No.F. 21(2)-For-05/RTI/362-65 dated 11.8.2006 and despatching by speed post. The complainant although annexed a copy of the said forwarding letter to his complaint dated 19.08.2006, but surprisingly he mentioned nothing about the receipt of the said information from the OP. We are satisfied that the OP being the SPIO has fully complied with the order of this Commission passed on 31.7.2006 in Appeal No- 3 of 2006-07. We are also convinced that there is no judgment of the Supreme Court delivered in WT (Civil) No. 202 of 95 on 17.12.1996 as sought for by the complainant in his request for information. In fact, the said judgment was delivered by the Supreme Court on 12.12.1996 and a copy of the said judgment was forwarded by the Section Officer of the Supreme Court of India under a forwarding letter dated 17.12.1996. The OP being the SPIO has also furnished to the complainant a copy of the said forwarding letter along with the copy of the judgment dated 12.12.1996. So, there remains no scope of any ambiguity in the matter.

6. We have also perused the copy of the order dated 04.08.2006 passed by Sri S. Talukdar, Chief Conservator of Forests (Administration) being the FAA in the Office of the PCCF, Tripura, Agartala in Appeal No-1 of 2006-07 arose out of the memorandum of appeal submitted by Mr. M.A. Khan, Retd. PCCF - the present complainant on 06.07.2006 against the decision of the SPIO (CF, Social



Forestry) passed on 10.1.2006 disposing of the request dated 20.12.2005 of the complainant for information. The FAA is found to have committed a mistake by mingling two applications of the complainant for information dated 20.11.2005 and 20.12.2005 and referring to the judgment and order dated 31.07.2006 passed by the Commission in Appeal No-3 of 2006-07 in deciding the appeal. In fact, this Commission decided the Appeal No- 3 of 2006-07 as arose out of the applications dated 20.11.2005 and 08.03.2006 of the complainant. On the other hand, the Appeal No- 1 of 2006-07 in the file of the FAA arose out of the application dated 20.12.2005 of the complainant. The subject matter of the three applications are also different. But the FAA in deciding the Appeal No- 1 of 2006-07 in his file considered that subject matter of the Appeal No-3 of 2006-07 before this Commission and that of the Appeal No- 1 of 2006-07 before him were same. As a result, the FAA has not at all considered the appeal dated 6.7.2006 preferred before him against the decision dated 10.1.2006 of the concerned SPIO on the application dated 20.12.2005 of the complainant. So, the order dated 04.08.2006 passed by the FAA in Appeal No-1 of 2006-07 suffers from serious infirmity and thus, requires to be set a side in the interest of principle of natural justice and to be heard and decided afresh by the FAA without giving any reference to the order dated 31.07.2006 passed by this Commission in Appeal No- 3 of 2006-07.

7. Since the OP being the SPIO in the Office of the PCCF, Tripura, Agartala has already furnished the information in full compliance of the order dated 31.07.2006 passed by this Commission in Appeal No- 3 of 2006-07, no further direction is required to be given for compliance of the said order and the complaint is liable to be dismissed to this extent.

**Decision:**

8. In fine, the complaint is disposed of with the observation made in paragraphs 6 & 7 above.

9. Although there is no appeal against the order dated 04.08.2006 passed by the FAA in Appeal No-1 of 2006-07, but in the interest of the natural justice we are constrained to interfere with the said order as the FAA has committed glaring mistake ignoring the real facts as already mentioned in paragraph 6 above. So, the aforesaid order dated 04.08.2006 of the FAA passed in Appeal No-1 of 2006-07 is hereby set a side with direction that the said appeal should be heard de novo and be disposed of according to the provisions of the Act giving notice to the concerned parties only with reference to the application dated 20.12.2005 of the complainant.

10. Send copy of this judgment and order free of cost to the complainant, the Opposite Party, Sri S. Talukdar, Chief Conservator of Forests (Administration), being the First Appellate Authority in the office of the PCCF, Tripura and the Principal Chief Conservator of Forests, Tripura being the head of the Public Authority.

11. Pronounced.

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

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

Authenticated.

*21/9/06*  
(Sudhir Sarkar)  
Secretary

Tripura Information Commission

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**TRIPURA INFORMATION COMMISSION**

P. N. Complex: Gorkhabasti : Agartala

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Complaint No. 15 of 2006-07/ *816-19*

September 21, 2006

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Copy to:

1. Mr. M.A.Khan, Retd. PCCF, 66- Prakash Vihar, Dharampur, P.O.- Araghar, Dehradun, Uttranchal- 248001(Complainant).
2. Sri C.M. Debbarma, Conservator of Forests (Wild Life), Office of the PCCF, Tripura, Agartala (Opposite Party).
3. Sri S. Talukdar, Chief Conservator of Forests (Administration), Office of the PCCF, Tripura, Agartala (First Appellate Authority).
4. The Principal Chief Conservator of Forests, Tripura, Agartala (Public Authority).



*21/9/06*  
(Sudhir Sarkar)  
Secretary  
Tripura Information Commission