

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No.MIC/APPEAL/57/2009/15,

Shri C.S.Singh, Limbu Compound, Barapathar, Shillong - Appellant

-Vrs-

(1)Deputy Inspector of Schools, East Khasi Hills, (PIO)
(2)Director, Elementary & Mass Education, Govt. of Meghalaya, (DAA) } Respondents

4-8-2009

ORDER

Both the Respondents are present in the Commission today, the appellant however, is absent.

The D.A.A. viz., the Director of Elementary & Mass Education, Meghalaya submitted his report. Shri D.Pohshna, the ex-PIO & ex-Deputy Inspector of Schools, East Khasi Hills also submitted a show cause.

The case of the appellant is that he sent an R.T.I. application dated 12-3-2009 by Speed Post to the then Deputy Inspector of Schools, East Khasi Hills and P.I.O., Shri D.Pohshna, requesting for information concerning the Madan Laban Nepali, UP/LP School for the financial year ending 2001 to 2005. Not receiving any response from the P.I.O. he preferred the first appeal before the D.A.A. vide his petition dated 4-5-2009. Failing to receive any decision from the First Appellate Authority within the statutory period he had preferred the instant second appeal before the Commission, praying for directing the concerned Public Authority to furnish him the information and also for payment of compensation for the detriment caused on him in obtaining the information from the Public Authority.

The issues before the Commission for decision are:

- (1) Whether the P.I.O. refused information to the appellant and therefore liable for penalty under the Law?
- (2) Whether the Appellate Authority has failed to dispose off the first appeal, causing undue hardship and detriment to the appellant to justify payment of compensation under the Law?

Regarding issue No. 1: There are two P.I.O.s/D.I.s of Schools involved during the period of the case. The first P.I.O. is Shri D.Pohshna, who took over charge of the office of the D.I., of Schools, East Khasi Hills, Shillong in the month of February, 2009 and handed over charge in 15th July, 2009. The second, P.I.O. is Ms. P.Lyngdoh, who took over charge on 15th July, 2009 and continued as D.I., of Schools, East Khasi Hills, Shillong till date.

On receipt of the notice issued by this Commission, the present D.I., of Schools and P.I.O., Ms. P.Lyngdoh tried to locate the R.T.I. application in her office but could not locate it. She, therefore, sent someone to ask for a copy the original R.T.I. application for information from the appellant. On receipt, she, started taking action to furnish the information.

Considering the fact that, she took over charge of the office of the D.I., of Schools, East Khasi Hills and hence as P.I.O. from 15th July, 2009 that is more than four months after the filing of the original R.T.I. application, there is no cause of action against her in connection with the instant case. The delay or refusal of information took place during the incumbency of Shri D.Pohshna as P.I.O. and D.I., of Schools, East Khasi Hills. Shri D.Pohshna who is at present Assistant Inspector of Schools, East Khasi Hills submitted his show cause stating that he did not receipt the R.T.I. application dated 12-3-2009 filed by the appellant; and as a result, he did not take any action during his time as P.I.O. and D.I. of Schools.

The appellant submitted documents furnished by the Postal Department indicating movement particulars of the Speed Post letter Registered as EE410614154 IN, which shows that the letter was delivered on 14-3-2009 to the D.I., of Schools.

Having examined the matter, the Commission is of the opinion that the R.T.I. application dated 12-3-2009 might not have been received by the P.I.O. The fact that the present incumbent P.I.O. and D.I., of Schools, East Khasi Hills could not locate the original application in files of her office seems to confirm the statement by the then P.I.O. and D.I, of Schools, East Khasi Hills, Shri D.Pohshna that he never received the above R.T.I. application from the appellant. The Post Office document produced by the appellant before this Commission is not a conclusive evidence that the application has been duly delivered by the P.I.O. There is no acknowledgement of receipt by the P.I.O. which could have provided conclusive proof that the application was duly received.

Regarding issued No. 2: The Appellate Authority viz., the Director Elementary & Mass Education, Govt. of Meghalaya denied having received the appeal petition dated 4-5-2009 concerning information on the LP/UP sections of the Madan Laban Nepali, UP/LP School, Shillong from the present appellant.

Having heard the parties concerned and having considered their submissions, the Commission decided to accept the show cause by the P.I.O. that the alleged R.T.I. application dated 12-3-2009 was not received by him and do not hold him liable for any penalty.

The appeal is dismissed.

The appellant is free to file a fresh R.T.I. application and acknowledgement of receipt be obtained from him/her, if required.

(G.P.Wahlang)
C.I.C.

Memo.No.MIC/APPEAL/57/2009/15-A Dated Shillong, the 4th August, 2009
Copy to:-

- (1) The Director, Elementary & Mass Education, Govt. of Meghalaya, Shillong (D.A.A.)
- (2) The Deputy Inspector of Schools, East Khasi Hills, Shillong (P.I.O.)
- (3) Shri D.Pohshna, Assistant Inspector of Schools, East Khasi Hills, Shillong, the then D.I., of Schools, East Khasi Hills.
- (4) Shri C.S. Singh, C/o Limbu Compound, Barapathar, Shillong – 2.

(P.T.Rani)
Under Secretary,
Meghalaya Information Commission,
Shillong.