

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No. MIC/Complaint/75/2009/19,

Shri Phillip D. Sangma, General Secretary, All India Garo Union,
Williamnagar, East Garo Hills.

- Complainant

-Vrs-

Deputy Director, Supply, o/o Deputy Commissioner (Supply)
East Garo Hills, Willamnagar (P.I.O.)

- Respondent

ORDER

22-9-2009: The complainant is present in the Commission today and the P.I.O. is represented by Shri A.N.Marak, A.P.I.O., office of the Deputy Commissioner (Supply), East Garo Hills, Williamnagar.

The complainant in this case is Shri Phillip D. Sangma, General Secretary, All India Garo Union, Williamnagar, East Garo Hills.

The case of the complainant is that he filed an R.T.I. application dated 23rd June, 2009 to P.I.O., who is the Deputy Director (Supply), East Garo Hills, Williamnagar seeking information on allocation of AAY/BPL and APL Rice for the year 2008-2009 including the name of Wholesalers, Fair Price Shop Dealers Centres and quantity of rice and sugar issued to the Deputy Commissioner, East Garo Hills District during the above period. Failing to receive any response from the P.I.O., he had preferred the instant complaint before the Commission vide his complaint petition dated 24-8-2009.

Vide its Order dated 1-9-2009, this Commission had registered the complaint case against the P.I.O., viz., the Deputy Director Supply, East Garo Hills, Williamnagar and a show cause issued to him why the penalty as prescribed by Law should not be imposed upon him w.e.f. 23rd July, 2009 till the date of information requested is furnished or Rs.25,000/- which ever is less, for refusal of information to the complainant.

During the hearing, the representative of the P.I.O., Shri A.N.Marak, Inspector, Supply, office of the Deputy Commissioner, East Garo Hills, Williamnagar and A.P.I.O., submitted that according to Govt. Notification, the Deputy Director, Supply in-charge of the office of the Deputy Commissioner (Supply), East Garo Hills, Williamnagar is the P.I.O., and being the Inspector of Supply of the same office he has been designated as A.P.I.O. According to him, the P.I.O., who is the Deputy Director, Supply, East Garo Hills was transferred vide Govt. Order No.SUP/35/2005/353 dated 16-12-2008 and since 4th January, 2009 the date of his relinquishing the charge, the post of Deputy Director, Supply of

the District, and, hence that of the P.I.O., remained vacant as the Govt. did not post any officer to fill up the vacancy till date. He further submitted that being the senior most officer available in the office he had to attend informally the works of the Deputy Director, Supply, East Garo Hills in addition to his normal duties though without any Govt. Notification. However, being an A.P.I.O., he could not function as in-charge P.I.O., without Govt. Notification. He also submitted that he availed Earned Leave w.e.f. 18th May, 2009 till 31st August, 2009. And on return from leave on 1st September, 2009, he was subsequently informed about the pending R.T.I. application submitted by the complainant. He accordingly furnished the information as A.P.I.O., on 15-9-2009 free of cost and was received by the complainant on 15-9-2009.

The complainant who is present in the Commission during the hearing confirmed receipt of the information in full to his satisfaction. While appreciating the voluntary service offered by the A.P.I.O., to furnish him the information which he is not bound to do so under the Law, he resented the omission on the part of the Govt. to identify/notify a P.I.O., for the public authority in the District of East Garo Hills after transfer of the earlier P.I.O. and claimed compensation from the public authority of the Govt. for the delay of almost two months to furnish him the information due to such act of omission on the part of the public authority resulting to detriment suffered by him.

Having heard both the parties and on examination of the documents furnished by them before the Commission, the Commission decided as follows:

- (1) The show cause against the P.I.O., has become in-fructuous in view of the fact that the designated P.I.O., viz., the Deputy Director, Supply, East Garo Hills, Williamnagar was not in position, as the Govt. in the Supply Department did not fill up the vacancy till date.
- (2) It appears that the Supply Department, Govt. of Meghalaya has allowed the post of Deputy Director, Supply, East Garo Hills and hence the designated post of the P.I.O., Supply, East Garo Hills remained vacant w.e.f. 4-1-2009 till date i.e. over a period of almost one year and nine months.

While the Govt. may not see the urgent need to fill up the post of Deputy Director, Supply of the District, yet, being at the same time the P.I.O., under the R.T.I. Act, the Govt. cannot afford to keep the statutory post vacant without an alternative arrangement otherwise, violation of Law will result as in the present case. The Commission is convinced that such omission on the part of the Supply Department of the Govt. has caused detriment or loss to the complainant inasmuch as the information has been legally denied to him. The Commission,

hereby awarded a compensation of Rs.3000/- (Rupees three thousand) to be paid by the Director, Supply, Govt. of Meghalaya to the complainant within a period of 30 days from the date of this Order with intimation to this Commission.

- (3) The Govt. in the Supply Department is required to remove the lacunae as mentioned at para (2) above 'Most Urgently' with intimation to this Commission.

Case disposed off.

(G.P.Wahlang)

Chief Information Commissioner,
Meghalaya, Shillong.

Memo. No. MIC/Complaint/75/2009/19-A Dated Shillong, the 22nd September, 2009

Copy forwarded to:-

- (1) The Principal Secretary/Commissioner & Secretary, Food & Civil Supplies, Govt. of Meghalaya.
- (2) The Director, Food & Civil Supplies, Govt. of Meghalaya, Shillong.
- (3) The Deputy Commissioner (Supply), East Garo Hills District, Williamnagar.
- (4) The Deputy Director, Supply, office of the Deputy Commissioner, (Supply), East Garo Hills, Willaimangar (P.I.O.).
- (5) Shri Phillip D. Sangma, General Secretary, All India Garo Union, Williamnagar Regional Unit, East Garo Hills.

(S.F.Khongwir,)

Secretary,
Meghalaya Information Commission,
Shillong.