



In the Tripura Information Commission
P. N. Complex, Gerkhastasi : Agartala

Appeal No TIC-24 of 2008-09.

Sri Arun Bikash Chakma
S/O Sri Bobru Bahan Chakma
Near Madhav Master Class XII School
P.S.- Manu, Dhalai.....Appellant

Vs.

1.Sri C.L.Das, IFS, Divisional Forest Officer, Manu Forest Division, Dhalai (First Appellate Authority).
2.Sri Pradip Kr. Deb Barma, TFS, Additional Divisional Forest Officer, Manu Forest Division, Dhalai (State Public Information Officer).
.....Respondents

In the matter of a second 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 Respondent No.1: Sri C.L.Das, IFS, Divisional Forest Officer, Manu Forest Division, Dhalai (First Appellate Authority).

For the Respondent No.2 Sri Pradip Kr. Deb Barma, TFS, Additional Divisional Forest Officer, Manu Forest Division, Dhalai (State Public Information Officer).

Date of lodging second appeal : 20.09.2008

Dates of hearing of second appeal: 31.10.2008


Date of pronouncing judgment and order: 29.11.2008

JUDGMENT & ORDER

Facts:

1. This second appeal under section 19(3) of the RTI Act, 2005 (for short the Act) arose out of a memorandum of second appeal dated 18.09.2008 of Sri Arun Bikash Chakma (here in after referred to as the appellant) sent by courier post

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and was received by this Commission on 20.09.2008. Facts leading to this second appeal are that in response to his written request dated 16.06.2008 seeking information under the Act, the appellant was provided with the information on 28.07.2008 by Sri P.K.Deb Barma, TFS, Additional Divisional Forest Officer, Manu Forest Division, Dhalai being the State Public Information Officer (SPIO). Being dissatisfied with the decision of the SPIO, the appellant preferred a first appeal on 05.08.2008 to Sri C.L.Das, IFS, Divisional Forest Officer (DFO), Manu Forest Division, Dhalai being the First Appellate Authority (FAA). Being aggrieved with the decision of the FAA given on 08.08.2008, the appellant approached this Commission with this second appeal seeking following reliefs:-

- (i) The FAA has to say that the funds for the period from 24.11.2007 to 18.03.2008 of IWDP was not used as per guidelines.
- (ii) To refund an amount of Rs. 16/- as per order of the FAA.

Along with the memorandum of second appeal, the appellant furnished photocopies of the relevant papers and documents.

2. On perusal of the memorandum of second appeal with enclosures, it was found in form and within time and accordingly, was registered as a second appeal under section 19(3) of the Act.

3. In response to the summons, the Respondent 1 Sri C.L.Das, IFS, DFO, Manu Forest Division, Dhalai and the EAA appeared, but submitted no written representation. The Respondent 2 Sri P.K.Deb Barma, TFS, Additional DFO, Manu Forest Division, Dhalai and the SPIO appeared and submitted a written representation denying the allegations of the appellant. He further informed that consequent upon transfer of Sri C.L.Das, IFS as DFO of Ambassa Forest Division, Dhalai, Sri Sushil Deb Barma, TFS Gr. I has taken over as DFO, Manu Forest Division, Dhalai on 03.10.2008 and is the present FAA.

4. On the date of hearing, in response to the notice, the appellant remained absent by sending a written rejoinder by fax, copy of which was furnished to the Respondents. In his written rejoinder, the appellant reiterated his submission made in the memorandum of second appeal. Heard oral submissions made by both the Respondents.

Issue for decision:

5. The only issue to be decided is as to whether the appellant is entitled to the reliefs as sought for.

Reasons for decision:

6. Out of the two reliefs sought for by the appellant, the first one is that the FAA has to say that the fund for the period from 24.11.2007 to 18.03.2008 of IWDP was not used as per guidelines. We have carefully gone through the written

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Sr.



request dated 16.06.2008 of the appellant seeking information wherein, the information in term of relief now sought for by the appellant in this appeal is not found. Moreover, the particulars of the information as described by the appellant in this appeal are in the nature of leading question, which does not constitute information within the meaning of section 2(f) of the Act. So, the SPIO is under no obligation to provide the information as demanded by the appellant in this appeal. As regards the second relief sought for by the appellant, it is revealed from a copy of the letter No.F.2(9)/RTI/MFD-2008-09/7641-43 dated 21.08.2008 of the Respondent 2 addressed to the appellant, copy of which is furnished to this Commission in this appeal by the Respondent 2 that the appellant received Rs. 18/- back including all the information free of cost by putting his signature and date as on 17.09.2008. It proves that the appellant was refunded Rs. 18/- in place of Rs. 16/- i.e. Rs. 2/- in excess of the amount of fees actually ordered to be refunded. So, the claim advanced by the appellant for refund of Rs. 16/- only is not sustainable.

7. Having regard to the facts and the circumstances discussed here in above, we find no merit in this second appeal and, therefore, it is liable to be dismissed.

Decision:

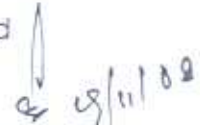
8. In fine, this second appeal is dismissed on contest.

9. Let copy of this order be sent to the appellant, the Respondents, the present FAA of the Manu Forest Division (Dhalai) and the PCCF, Government of Tripura being the head of the Public Authority.

10. Pronounced.

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

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

Authenticated

 (S.C.Saha)
 Secretary
 Tripura Information Commission



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

Appeal No- 24 of 2008-09 / 1448-52

Dated, 29.11.2008

Copy to:-

1. Sri Arun Bikash Chakma, S/O Sri Bobru Bahan Chakma, Near Madhav Master Class XII School, P.S.- Manu, Dhalai (Appellant).
2. Sri C.L.Das, IFS, Divisional Forest Officer, Ambassa Forest Division, Dhalai (former First Appellate Authority of the Manu Forest Division).
3. Sri Pradip Kr. Debbarma, TFS, Additional Divisional Forest Officer, Manu Forest Division, Dhalai (State Public Information Officer).
4. Sri Sushil Deb Barma, TFS Gr. I, Divisional Forest Officer, Manu Forest Division, Dhalai (present First Appellate Authority).
5. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).


(S.C.Saha)
Secretary

Tripura Information Commission