

MEGHALAYA INFORMATION COMMISSION, SHILLONG

...

No.MIC/Appeal/57/2008/37,

Shri K.F.Rangad, Queen Ville, Laban, Shillong - Appellant

- Vrs -

(1) The P.I.O., Raid Laban College, Shillong
(2) The D.A.A., viz., the Commissioner & Secretary,
Higher & Technical Education, Govt. of Meghalaya, Shillong. } Respondents

24-11-2008

ORDER

Respondents No.1 & No. 2 are present in the Commission today. The Appellant is also present. Respondent No.2, Shri L.Roy, IAS, Commissioner & Secretary, Education Department, Govt. of Meghalaya submitted that on receipt of the First Appeal from the Appellant, notice was issued to the Respondent No.1 and to the Appellant to appear before the First Appellate Authority. However, non-appearance by them has delayed disposal of the case.

The Appellant filed the First Appeal on dated 1-7-2008 and it was received on the same date by the First Appellate Authority and cognizance was taken on 9-7-2008. However, due to the aforesaid reason the order could be passed only on 29-10-2008.

It was clarified that under the procedure laid down by law, the First Appeal can be preferred before the First Appellate Authority any day after the expiry of a period of 30 days from the date of application for information. The First Appellate Authority should dispose of the First Appeal within the period of 30 days which may be extended upto 45 days with reasons to be given in writing. In the instant case, though the Appeal was preferred in due time the case has been disposed of by the First Appellate Authority after a period of 90 days which period has exceeded the statutory period. The Complainant submitted that he did not receive any notice for hearing by the First Appellate Authority so he did not take step to attend the hearing. It is observed that the First Appellate Authority has fixed 28-7-2008 as the day for show cause by the PIO, Raid Laban College as to why order should not be issued for furnishing the information requested by the Appellant. When such an order has been passed, if the PIO failed to show cause within the statutory period laid down by law, it is for the Appellate Authority to pass necessary order directing the PIO to furnish the information to the Appellant. In case of failure by the PIO to carryout the direction of the First Appellate Authority

the Appellant may prefer the Second Appeal before the Commission. It appears that the procedure as prescribed under the Act has not been strictly followed in the instant case. The Appellant is therefore, within his right to prefer the Second Appeal before the Commission.

The Respondent-Commissioner & Secretary, Education Department, Govt. of Meghalaya claimed that the Raid Laban College has been provided with substantial financial assistance by the Govt. in the form of grant-in-aid over a long period of time till recently. For that reasons the Department has included the College as one of its Public Authorities under the Law. The Commission directed that the amount of financial assistance already made available by the Govt. to the Raid Laban College should be quantified to justify its categorization as a Public Authority under law.

Let, therefore, an affidavit be filed by the Commissioner & Secretary, Education Department providing evidence of the amounts of grants-in-aid year-wise made available by the Govt. to the above College along with any other reasons, justifying the College to be a Public Authority under the law.

Let a advanced copy of the affidavit be sent to the PIO and to Appellant for their necessary action.

Fixed **15-12-2008 at 11:00 AM** for the affidavit and hearing the case.

(G.P.Wahlang)

State Chief Information Commissioner.

Memo.No.MIC/Appeal/57/2008/37-A

Dated Shillong, the 24th November, 2008

Copy to:-

1. The D.A.A., viz., the Commissioner & Secretary, Higher & Technical Education, Govt. of Meghalaya, Shillong.
2. The P.I.O., Raid Laban College, Shillong.
3. Shri K.F.Rangad, Queen Ville, Laban, Shillong.

(P.T.Rani)

Under Secretary,
Meghalaya Information Commission.