

MEGHALAYA INFORMATION COMMISSION

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No.MIC/RP/1/2008

Shri F.Kharmujai, BDO, Pynursla, C.D.Block, - Review Petitioner
East Khasi Hills.

-Vrs-

Shri L.Khongwet & Shri V.Buhphang of Wahlyngkhat - Respondents
East Khasi Hills. (Petitioner in
Complaint petition)

26-6-2008

ORDER

The Review Petitioner herein was the APIO in complaint Case No. MIC/Complaint/23/2008, filed by Shri L.Khongwet and Shri V.Buhphang of Wahlyngkhat, East Khasi Hills before the State Information Commission. While disposing the above complaint petition the Commission found that the delay of over a period of 62 days (92 days – 30 days) from 23-1-2008 to 25-4-2008 in furnishing the information to the Respondent of this Review Petition was due to failure on the part of the APIO, Shri F.Kharmujai, BDO, Pynursla C.D.Block, who holds the informations to furnish the materials as requested by the PIO viz., Smti V.Syiem, Project Director, DRDA, East Khasi Hills, Shillong vide her letter No.DEV.35/VIII/7/2005/41 dated 25-1-2008 and the reminder letter No.DEV.35/VIII/7/2005/68 dated 15-4-2008. It was only when the PIO vide her letter No.DEV.35/VIII/7/2005/69 dated 23-4-2008 made him a deemed PIO under Section 5(5) of the RTI Act that the APIO viz., Shri F.Kharmujai, BDO, Pynursla C.D.Block had acted very promptly and informed the Respondent of the instant Review Petition to collect the information vide his letter dated 25-4-2008.

In his Review Petition the Review Petitioner stated that he has not been given an opportunity to appear before the Commission to explain the reason for the delay. According to the Review Petitioner on his assumption of charge as BDO, Pynursla C.D.Block on 28-1-2008, two RTI Applications by the same applicants were put up to him on 30-1-2008 by the office each one contained in letter No. DEV.35/VIII/7/2005/41 dated 25-1-2008 and No. DEV.35/VIII/7/2005/43 dated 28-1-2008 received from the PIO. He furnished the information on one of them but through over sight he did not furnish the information on the other.

This Commission vide Order dated 19-5-2008 directed the Respondent/PIO, Smti V.Syiem, Project Director, DRDA, East Khasi Hills, Shillong to submit an affidavit to account for the delay. It was also made clear that in the affidavit the PIO should enclose all relevant exhibits including the grounds put forward by the APIO, viz., the BDO, Pynursla C.D.Block for failing to furnish the information in time. This Order was made available to the APIO/BDO, Pynursla C.D.Block. The

PIO, Smti V.Syiem, vide her letter No. DEV/35/VIII/7/2005/77 dated 19-5-2008 clearly directed the Review Petitioner to inform her the reason and grounds for his failure in furnishing the information called by her vide her letter No.DEV.35/VIII/7/2005/41 dated 25-1-2008 and letter No.DEV.35/VIII/7/2005/68 dated 15-4-2008. The Review Petitioner had responded to the above letter of the PIO, Smti.V.Syiem, vide his letter No. PCDB/Accts./60/067-08/A dated 21-5-2008 stating over sight as the reasons for failure to furnish the information. The Review Petitioner had therefore been given ample scope to explain his grounds for delay and this has been reflected in the affidavit by the PIO, Smti V.Syiem before this Commission.

Over sight is not an excuse under the Law for delay in furnishing the requisite information. The Review Petitioner has not made out a case, even a presentable one at that, warranting a revision of the Order dated 30-5-2008 in Complaint No. MIC./Complaint/23/2008.

The Review Petition is dismissed.

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

Memo. No. MIC/RP/1/2008/5-A,

Dated Shillong, the 26th June, 2008

Copy to:-

1. The Commissioner & Secretary, C&R.D, Govt. of Meghalaya, Shillong.
2. The Director, C&RD, Govt. of Meghalaya, Shillong.
3. Smti V.Syiem, PIO, Project Director, DRDA, East Khasi Hills, Shillong.
4. Shri F.Kharmujai, APIO/BDO, Pynursla C.D.Block, East Khasi Hills.

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