

**OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI.**

RTI APPEAL NO. -I.D. NO. 3/17

APPELLANT :- MR. SHISHIR CHAND, R/O D-71,1ST FLOOR,
100 FOOT ROAD, CHITTARPUR ENCLAVE, NEW DELHI-74

RESPONDENT :- REGISTRAR(JUDICIAL) -Cum-PIO, GAUHATI HIGH COURT

DATE OF APPEAL :-14.06.2017

DATE OF HEARING :- 03.07.2017

DATE OF ORDER :- 10.07.2017

Factual Background:-

Being aggrieved by the response received from the Respondent in the Form 'B' or 'C' within thirty days of submission of Form 'A', appellant Shri Shishir Chand, preferred this appeal which is docketed vide Regd. ID No. 03/17.

Before a discussion is directed towards the issue in question, a brief reference to the background of this appeal would be advantageous.

The record reveals that one Priyank Chand died in a motor vehicle accident on 27.02.2009 at Tinsukia, leaving behind his wife and two sons and his widowed mother. A claim petition is preferred by one Urmila Chand- mother of the deceased and others before the Member MACT, Tinsukia which stands adjudicated with the award of Rs. 11,82,000/, with interest @ 4% per annum. The MACT has apportioned the awarded amount between the legal heirs of late Priyank Chand. And Urmila Chand, the mother of the deceased Priyank Chand received Rs. 1,00,000/, in the said apportionment.

According to the appellant, the award apportioned to his mother by the MACT is disproportionate and, therefore, vide his e-Mail, dated 18th August 2015, he has requested the Registrar (Vigilance) to investigate into the matter. The record also reveals that the Registrar (Vigilance) has placed the matter before the appropriate authority and the authority has ordered '**no action**' on the matter as no affidavit has been filed along with the complaint as required.

Thereafter, the appellant has filed one RTI application seeking following information:-



1. Copy of action taken report (ATR) against District & Sessions Judge- cum-member, MACT, Tinsukia in connection with M.A.C. Case No. 125/2009 for mis-apportioning MAC award on 21.04.2015 to the tune of Rs 2,31,500 in contravention of Hon'ble Guwahati High Court interim order dated 05.12.2013 and thereby causing a loss of the aforesaid amount to my old, ailing and widowed mother, Mr. Urmila Chand, a senior citizen and a corresponding gain of the same amount to her estranged daughter-in-law, Ms. Sonu Chand. Estrangement since May 2013.
2. Information about cause of delay in disposing off Review Petition of my mother, Ms Urmila Chand i.e. MAC (Misc) No. 6 of 2015 titled Ms Urmila Chand Vs Ms Sonu Chand despite continuous monthly proceeding since February 2016.

In response, the Registrar (Judicial) & PIO, Gauhati High Court, vide letter No. HC.XXXV-1/2017/8L/RTI dtd. 19.05.2017, had provided the following information to the applicant:

"Reply to query No. 1:- No 'Action-taken Report' as sought for is available with this Registry.

Reply to query No. 2:- 'Cause'/'reason' does not fall within the purview of RTI Act. Information is also not available in the Registry as no Misc Case No.6/2015 in connection with MAC Case No. 125/2009 or MAC Appeal No.79/12 has been filed in the Gauhati High Court."

Ground Of Appeal:-

The appellant has cited following reason for appeal:-

- (i) No response received in the Form B or C within thirty days of submission of Form A
- (ii) Aggrieved by the response received within prescribed period.

Submission:-

While admitting the appeal on 19.06.2017, the date for hearing was fixed on 03.07.2017 and the appellant was duly notified about the date, vide letter No. HC.XXXV-04/2017/109/RTI dtd. 20.06.2017. But the appellant never turned up, instead he made written submission through e-Mail highlighting following points:-



1. Information in the form of action taken report (ATR) against District & Sessions Judge- cum-member, MACT, Tinsukia in connection with M.A.C. Case No. 125/2009 for mis-apportioning MAC award on 21.04.2015 to the tune of Rs 2,31,500 in contravention of Hon'ble Guwahati High Court interim order dated 05.12.2013 and thereby causing a loss of the aforesaid amount to my old, ailing and widowed mother, Mr. Urmila Chand, a senior citizen and a corresponding gain of the same amount to her estranged daughter-in-law, Ms. Sonu Chand. Estrangement since May 2013.

2. Information about cause of delay in disposing of Review Petition of my mother, Ms Urmila Chand i.e. MAC (Misc) No. 6 of 2015 filed at Tinsukia District Court in December 2015 after eight month of strong resistance from few lawyers and legal aid and which is still pending despite continuous monthly proceedings since February 2016.

He, therefore, prayed for providing above information.

Decision and reasons thereof:-

I have gone through the appeal and the documents enclosed therewith carefully. Also I have gone through the record carefully. It has transpired from the record that the complaint, submitted by the appellant before the Registrar (Vigilance) by e-Mail against the District Judge -cum- Member, MACT, Tinsukia, was put up before the appropriate authority, the authority has suggested 'no action'. And as such no enquiry was made and consequently no 'Action Taken Report', as required by the appellant is available with the Registrar (Vigilance), which could have been furnished by the PIO to the Appellant. This being the factual position no fault can be found with the reply given by the PIO to the appellant vide letter No. HC.XXXV-1/2017/82/RTI dtd. 19.01.2017.

Secondly, the record also reveals that Misc. Case No. 6/2015, in connection with MAC Case No. 125/2009 or MACT Appeal No. 79/12, was not filed in the Gauhati High Court. Since the Misc Case No. 6/2015, was not filed in the Gauhati High Court, no information is available about the same in the Registry and the Registry cannot furnish the appellant any information in this regard. Over and above, 'cause/' 'reason' do not fall within the purview of RTI Act. Being so, no fault can be found with the reply, so furnished by the PIO to the appellant.

It is also apparent that the appellant has preferred the application for information on 04.05.2017 and the RTI Cell has received the same on 09.05.2017, and the PIO has



furnished the information on 19.05.2017. Thus, the information, so required, has been furnished well within the statutory period. The ground for appeal, are thus found to be totally baseless.

In the result, I find the appeal bereft of merit and consequently the same stands dismissed.

Let this order be communicated to the Appellant as well as the PIO,
Gauhati High Court.


Registrar General
-cum-
Appellate Authority

10-07-17