

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

RTI APPEAL NO. :- **APPEAL ID. NO.03/2020-21**

APPELLANT :- Mr. Subhash Ch. Das,
Gauhati High Court, New Building, Computer Section,
Guwahati, Kamrup (M), Assam.

RESPONDENT :- Registrar (Judicial) & PIO,
Gauhati High Court

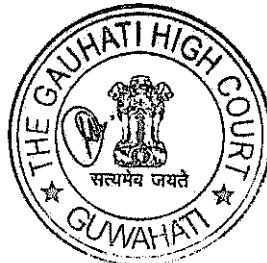
DATE OF APPEAL :- 29.01.2021

DATE OF HEARING :- 20.02.2021

DATE OF ORDER :- 20.02.2021

O R D E R

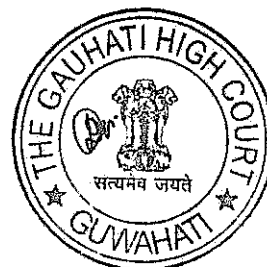
1. The appellant as an RTI applicant sought for the information as follows –
"Please provide the relevant documents regarding exercising of option for fixation of pay under Rule 5 with reference to 7th Assam Pay and Productivity Commission (ROP) report dated 17th March 2017 in respect of Computer Assistants appointed between 1st April, 2016 and 17th March, 2017 in the Principal Seat of Hon'ble Gauhati High Court, Guwahati."
2. In response for supplying the above information, the Registrar (Judicial) and PIO, Hon'ble Gauhati High Court vide a letter dated 27.01.2021 supplied documents which are extracts of the 7th Assam Pay and Productivity Commission (ROP) report dated 17th March, 2017. In the said extract, documents supplied to the appellant were the Rules 5, 6 and 7, and, the 'Form' for option to retain the existing scale of pay as appended to the Rules in - APPENDIX-IV.
3. Being aggrieved, the appellant has preferred this appeal on the ground that he never sought for the aforesaid documents, but desired to know as to whether Computer Assistants appointed in the Principal Seat of Hon'ble Gauhati High Court, Guwahati




20/4/2021

between 1st April, 2016 and 17th March, 2017 exercised any option for fixation under Rule 5 with reference to the aforesaid ROP dated 17th March, 2017.

4. Heard the appellant in person and the respondent represented by Mr. Pradip Sinha, Administrative Officer (Judicial), Account Section. Also perused the relevant documents.
5. The appellant has submitted that he desired the information regarding option given by any Computer Assistant as per Rule 5 of the aforesaid ROP dated 17th March, 2017 which was not supplied to him and on the contrary the extract of the Rules have been supplied.
6. The contention of the respondent is that the appellant did not seek for any document regarding exercising of option by any of the Computer Assistants appointed between the aforesaid period and rather sought for the rules which were provided to the appellant and hence, there is no cause for the appeal.
7. Upon hearing the parties and on perusal of the records, it appears that although the construction of the sentence seeking information by the appellant was not clear, on repeated reading of the particulars of information required by the appellant, it appears that appellant actually desired to get relevant documents regarding exercising of option for fixation of Pay under Rule 5 with reference to the ROP dated 17th March, 2017, if exercised by any of the Computer Assistants appointed between 1st April, 2016 and 17th March, 2017 in the Principal Seat of the Hon'ble Gauhati High Court, Guwahati. The appellant, it seems, desired to know as to whether any of the Computer Assistants appointed between the aforesaid period exercised the aforesaid option under Rule 5 of the ROP dated 17.03.2017 and not the extract of the aforesaid ROP containing Rule 5, 6, 7 as well as the 'Form' at – APPENDIX-IV appended to the aforesaid ROP. Thus, it appears to this appellate authority that there was some error on the part of the PIO while reading the aforesaid required information by the appellant and as such, this appellate authority is of the considered view that the exact information, as sought by the appellant, was not provided to him.
8. Accordingly, the appellate authority finds sufficient ground to intervene and finds merit in the appeal. The PIO is directed to provide the information as clarified hereinabove to the appellant forthwith.
9. Before parting, it may be put on record that the appellant filed an application on 10.02.2021, which was directed to be put up today along with the appeal, requesting



[Handwritten signature]
20/2/2021

for granting permission to one Shri Kuntal Bharadwaj and Shri Sibanta Duwarah to be present in today's hearing. However, the aforesaid two persons neither being persons seeking information in the RTI application nor the parties to this appeal, do not deserve to be heard, and, as such, the request made by the appellant stands rejected.

10. The appeal is allowed to the extent indicated above and is disposed of accordingly.

11. Send a copy of this order to the appellant and Registrar (Judicial) & PIO, Hon'ble Gauhati High Court, Guwahati. Original copy be kept with the record.

Signed on this 20th day of February, 2021 under my hand and seal at Guwahati, Kamrup (M), Assam.


Registrar General & Appellate Authority

