

No: C/8(P)/SCIC - 2016

MANIPUR INFORMATION COMMISSION

*SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND ANNEXED BUILDING,
IMPHAL, MANIPUR.*

Imphal, 30th January, 2017

Complaint Case No: 8 of 2016

Smt. Th. Sushilla Devi – Complainant

-vs-

SPIO/Director (YAS) and another – Respondents

DECISION

30-1-2017

No one represents the Public Authority. The Complainant is represented by Shri B. Prem Sharma, Advocate with an authorization.

The Commission received the direction of the Hon`ble High Court of Manipur dt.17-01-2017 passed in W.P. (C) No. 201 of 2016 that the Complainant must be afforded a chance to be heard. Hence the Complaint Case No. 8 of 2016 was taken up for consideration and the Complainant, represented by her Ld. Counsel was heard at length.

Alleging the SPIO had failed to provide information sought in her RTI application dated 24-6-2015, the complainant had filed her first complaint dated 4-9-2015 before the Commission with a prayer to proceed the procedure under the RTI Act, 2005 without filing first appeal to the First Appellate Authority and the same was registered as Complaint Case No.55 of 2015. In the course of hearing and perusal of case records, it is found that the Complainant had filed her aforesaid complaint before this Commission by concealing facts that she had received the information dated 20-8-2015 provided by the SPIO in response to her RTI application through the address to where information shall be sent as mentioned in her RTI application on 21-8-15. It is also found that the Complainant had not acted fairly as she had mentioned in her complaint that she has not received the information even though she has actually received the same before filing her complaint to the Commission. And, inspite of notice, the complainant did not appear in the hearing on 17-9-2015 without any reason. Hence, as the Complainant, in her first complaint has not taken the opportunity to explain her case before the Commission, this Commission thought in fit to close the Complaint for two reasons – i) she has received the information and ii) she failed to appear on the date fixed for hearing. And, accordingly, the Complaint Case No.55 of 2015 was disposed of on 17-9-2015 and a copy of which was also duly received by one B. Prem Sharma, the present Ld. Counsel of the complainant.

Again, alleging the SPIO had failed to provide complete information, the Complainant for the second time has filed complaint to this Commission on 28-1-16 by

enclosing the original RTI application dt.24-6-15 with a prayer to proceed the procedure under RTI Act, 2005 to furnish the complete information. Notice of the Commission dt.30-1-16 for hearing on 18-2-16 was communicated telephonically on 30-1-16 and copy was collected by the representative of the Complainant on 5-2-16. On examination of the second complaint (Complaint Case No. 8 of 2016), it was found that a decision had already been taken in the first complaint and since the second complaint filed by the Complainant was on the same RTI application dt.24-6-15, the Commission thought there should be an end to litigation as the same cause cannot be agitated again and again.

During hearing today, the Ld. Counsel of the Complainant submitted that the reply furnished by the SPIO/Director (YAS) to the queries No. (ii), (vii), (x) and (xi) of the RTI application dt.24-6-15 are incomplete and a direction may be given to the SPIO to provide complete information to the Complainant.

After hearing the Ld. Counsel of the complainant and perusal of case records of both Complaint Case No.8 of 2016 and Complaint Case No.55 of 2015, the Commission is of the opinion that the complainant cannot take advantage under section 18 of the Act repeatedly for the same cause which had already been disposed of by this Commission in Complaint Case No.55 of 2015 on 17-9-15. And, hence, the prayer of the complainant is rejected with regret.

Announced in open chamber.

Sd/-

(Th. Ibobi Singh)
State Chief Information Commissioner,
Manipur Information Commission

Authenticated by


(S. Inao Singh)

Deputy Registrar Judicial -I
Manipur Information Commission

Copy to: -

1. FAA/Commissioner (YAS), Govt. of Manipur.
2. SPIO/Director (YAS), Govt. of Manipur.
- ✓ 3. Smt. Th. Sushilla Devi.
D/O. (L) Th. Tomba Singh.
Keirak Makha Leikai, P.O. & P.S. Kakching
- Thoubal District, Manipur - 795103.

Received
B. Poram Sharma
8/2/2017.