

21.04.2023

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Sl. No. 27

Ct. No. 05

WPA 21733 of 2022

Jishnu Biswas

-Versus-

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Mrinal Kanti Sardar

.....for the petitioner

Ms. Debarati Sen (Bose)

.....for the State

The petitioner assails an order passed by the State Public Information Officer, Directorate of Social Welfare, West Bengal dated 17.08.2022 on an application filed by the petitioner under The Right to Information Act, 2005. The queries as would appear from the application include whether the file bearing Memo No. 558/SWD(O) dated 27.12.2005 has been traced out or not. There are other queries which also relate to the file which was maintained in the name of the petitioner when the petitioner worked in a Home for Old and Infirm Political Sufferers under the Directorate of Social Welfare. The Reply of the SPIO reflects that the file bearing the particular number could not be traced and that fact was apparently communicated to the petitioner.

Learned counsel appearing for the State submits that the petitioner was a contractual worker and hence no file was maintained in the name of the petitioner.

The SPIO and Deputy Director of Social Welfare Department were directed to furnish information as applied for to the petitioner by an order dated 10.08.2022. The SPIO complied with the said direction and passed the impugned order.

The contention raised on behalf of the State that the petitioner was a contractual worker and hence there was no file which was being maintained for the petitioner is contrary to a letter dated 29.03.2019 issued by the SPIO, Directorate of Welfare which states, *inter alia*, that the Directorate will need time to search for the file since it is an old matter and the office has been shifted and trifurcated. This letter refers to the petitioner's case of the file being placed before the Minister-in-Charge of the Department by a Memo dated 27.12.2005 and further that a Search Committee consisting of three members was formed to search the documents as prayed for by the petitioner.

Hence, this Court is of the view that the SPIO may be directed to reconstruct the file bearing No. 558-SWD(O) dated 27.12.2005 within eight weeks from date as prayed for on behalf of the respondents.

Appropriate intimation shall be given at the end of the period to the petitioner.

WPA 21733 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)