

133

FORMAT FOR FILING COMPLAINT / 2ND APPEAL BEFORE WEST BENGAL INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Admn-05/13

dated 13.08.2014)

Complaint u/s 18(1)

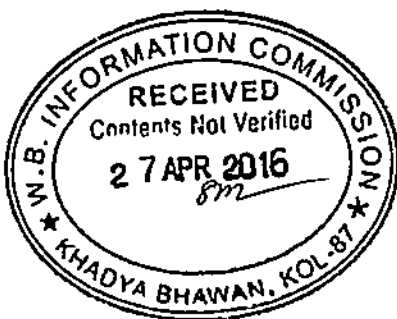
2nd Appeal u/s 19(3)

(Tick relevant box)

1674(c)
27/04

1. Name of the Applicant: **PRABIR BEY**
2. Address: **vill- KAIPUKUR Jatindra Mohan Sen Sarani
P.O. AKRampur, P.S. Habra, Dist. North 24 Parganas,
PIN- 743263, West Bengal**
3. Date of filing of application for information under RTI Act **24-02-2016**
(A self attested copy of RTI application should be attached): **Self attested copy of application under the RTI Act 2005 is attached**
4. Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address: **SP10 and ex-officio Superintendent
R.G.Kar Medical College and Hospital
1, Kshudiram Bose Sarani,
Kolkata - 700004**
5. Gist of the information sought for: **Ms. Archana Bey expired on 01-02-2016 due to mal-treatment and negligence and I requested to supply her BHT (Red head Ticket) to the SP10.**
6. Have you received any response / information? **NO.**
If so, attach a self attested copy of the same.

Cont... 2



AR(c)
27/4
27/4

For Complaint u/s 18(1) only

1. Grounds for Complaint (strike off items not applicable)

- i) Unable to submit request for information because no SPIO / SAPIO has been appointed.
- ii) SPIO / SAPIO refused to accept the application / 1st appeal or refused to forward it to the SPIO / 1st Appellate Authority.
- iii) Refused access to information requested. ✓
- iv) No response to the RTI application received within the time limit specified in the RTI Act. ✓
- v) Fee demanded is unreasonable.
- vi) Information furnished is incomplete / misleading / false.
- vii) Any other (specify).

For 2nd Appeal u/s 19(3) only

N. A.

1. Date of filing 1st appeal

(A self attested copy of 1st appeal should be attached)

2. Authority to whom the first appeal was made and address:

3. Decision of the 1st Appellate Authority, if any, including number and date of the order: N. A.

(A self attested photocopy of the order of the 1st Appellate Authority should be attached): *On my request to the SPIO, the name of the 1st appellate authority was not disclosed to me.*

4. Grounds for 2nd appeal and the relief sought for (specify):

As I could not receive any information in response to my RTI application dated 24-02-2016 I pray for supply of informations requested ^(cont. ...) in my RTI application dated 24-02-2016.

-Grounds-

- (i) For that SPIO has failed to supply of informations requested by me under the RTI Act 2005 on 24-2-2016
- (ii) For that it is duty cast upon the SPIO to supply informations under Section 7 of the RTI Act but he failed and neglected.

5. If 2nd Appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal explain the reasons for the delay.

I did not file 1st appeal due to unknown of the name of the 1st appellate authority.

1. Prabir Deo son / daughter of Sri Pran Kumar Deo
aged .. 34 yrs. being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place: Kolkata

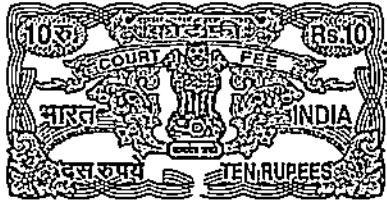
✓ Prabir Deo
Signature of the complainant / appellant

Date: 27th April, 2016

PRABIR DEO
(Name of the complainant / appellant)

Index of self attested documents attached:

1. RTI Application dated
2. 24-02-2016
- 3.
- 4.
- 5.



To
The State public Information Officer,
In the Office of the Superintendent,
R.G. Kar Medical College and Hospital,
(R.T.I. Section),
1, Khudiram Bose Sarani,
Kolkata - 700 004.

Sub : Information sought for under Section 6
of the Right to Information Act, 2005.

Sir,

This is to inform you that my wife Ms. Archana Dey aged 20 years was admitted to your Hospital on 22.01.2016 and expired on 01.02.2016 at 11-50 A.M. The said Archana Dey was admitted under Unit - IV A (GIO) CCU-2 RG 16043462 and M.A. 16001463, I want to know under the R.T.I. Act, 2005 the following informations :-

Query No. 1. Has ~~any~~ happened any mal-treatment or negligence while the said Archana Dey was admitted to Nirama Nursing Home and polychinic, 101/5, Jessore Road, No. 1 Rail Gate, Habra, P.O. and P.S. Habra, Dist- North 24-parganas, Pin - 743 263 on 13.01.2016 at 7-30 A.M. and "Seizure" was made on 8-52 A.M ?

Query No. 2. Can ^{practise} any Government Doctor ~~practise~~ in any So-called Nursing Home ? if not, kindly supply the photo copy of the said Government ~~xxx~~ circular.

✓ Self attested

Pradip Dey

contd....2.

:: 2 ::

Query No. 3. Kindly Supply attested photo Copy of treatment history including aforesaid Ticket of Ms. Archana Dey expired on 01.02.2016 at your Hospital.

In the circumstances, you are, therefore requested to supply the aforesaid information ^{under the RTI Act, 2005} to me at an early dates.

Requisite fee is paid herewith.

Yours faithfully,

Prabir Dey
(PRABIR DEY)

Vill - Kaipukur,
Jatindra Mohon Sen Sarani,
P.O. Akrapur, P.S. Habra,
Dist. North 24. parganas,
Pin - 743 263, W.B.

Dated : 24-02-2016

Self attested
Prabir Dey

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban

11A, Mirza Ghalib Street

Kolkata-700 087

Phone No. (033)2252-0509

& (033)2252-0501

Website: www.wbic.wb.gov.in

E-mail: scic-wb@nic.in

RTI Applicant : Prabir Dey

Public Authority : R. G. Kar Medical College and Hospital

Date of RTI Application : 24.02.2016

Date of 1st Appeal : -

Date of 2nd Appeal : 27.04.2016

Date of hearing : 22.01.2025

(Appeal No. 101221 of 2024 under the Right to Information Act, 2005)

Appellant : Prabir Dey

SPIO : SPIO, R. G. Kar Medical College and Hospital

Facts on Record & Findings :

The representative of the SPIO of the case is present for the hearing in physical mode and Shri Saileshwar Chakraborty, representative of the appellant also attended the hearing physically.

2. On the request of the representative of the appellant, the case was converted into second appeal case and treated accordingly. The appellant filed an RTI application on 24.02.2016 seeking three points of the information relating to the death of appellant's wife on 01.02.2010 at R. G. Kar Medical College and Hospital while she was under treatment in the said hospital. Not getting any information, the appellant filed a complaint before the Commission on 27.04.2016.

3. The representative of the SPIO informed the Commission that apparently the record sought by the complainant regarding treatment history of the deceased person was part of records which were found missing and a diary for such missing records was lodged before Officer-in-Charge, Tala PS on 22.12.2022 by the Registrar of the hospital. A copy of the said letter was produced before the Commission and kept in the case record.

4. A perusal of the RTI application indicates that there are three points of information sought. The first two points of information sought were more speculative and/ or hypothetical in nature, seeking queries as to whether any mal-treatment or negligence happened during treatment of the deceased and whether any government doctor can practice in any so called nursing home. Replies to such hypothetical and / or speculative queries cannot be treated as information under section 2(f) and 2 (j) of the RTI Act, 2005 as provision regarding practice by government doctors in private nursing home etc. is covered by the relevant government order/ notification available in the public domain. Regarding the third query i.e. seeking record of treatment history is validly sought information but as has been noted hereinabove, such record even if it was earlier available, seems to be missing as intimated by the Registrar before the Tala PS on 22.12.2022. However, the representative of the SPIO submitted that another effort will be made to look for the said record and if found, the same will be given to the complainant and in case it is not found, this fact will also be intimated to the appellant.

5. A time of three weeks is given to the SPIO to do the needful accordingly under intimation to the Commission.

6. In view of the above, there is nothing further to proceed with the second appeal case under consideration and the same is liable to be disposed accordingly.

Decision:

In view of the facts and findings as mentioned hereinabove, the second appeal is accordingly disposed of and closed.

2. Let authenticated copies of the order be forwarded to all concerned.

Date : 22.01.2025




(Naveen Prakash)
State Information Commissioner
West Bengal

No. 698 - WBIC/RTI/C/101221/3074/2024

DATE : 24.01.2025

Copy forwarded for information and necessary action to:-

1. The SPIO, Office of the Superintendent, R. G. Kar Medical College and Hospital, (R.T.I. Section), 1, Khudiram Bose Sarani, Kolkata – 700004
2. PRABIR DEY, Vill. - Kaipukur Jatindra Mohan Sen Sarani, PO - Akrapur, PS - Habra, Dist. - North 24 Parganas, Dist. - North 24 Parganas, Pin – 743263, West Bengal, 24 PARAGANAS NORTH, 743263


Law Officer & Joint Registrar
West Bengal Information Commission