

**OFFICE OF THE  
ASSAM STATE INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).241/2011

Complainant/ appellant : Sri Harinarayan Pathak

Respondent : Finance Taxation Department, Govt. of Assam,  
Dispur

Date of hearing : 20.5.2015

Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
appeal heard by Chief Information Commissioner, Assam

**O R D E R**  
20.5.2015

The petitioner & complainant Sri Harinarayan pathak is present. The Public Authority is represented by Sri I. Haque, Secretary to the Govt. of Assam, Finance Department and Shri D.C. Das, Deputy Secretary, Finance (Taxation) Department and ASPIO. The complaint petitions dtd 26.4.13 and dtd 02.5.14 are taken up for hearing in presence of both the parties.

On 29.7.11 this commission passed an order directing the Public Authority to - (i) allow the petitioner to inspect the file movement register, (ii) Directed the Commissioner & Secretary, Finance Department, Govt. of Assam to institute an enquiry by reliable office into the circumstances leading to the missing of the said file No. FTX.139/88 and fix responsibility with a view to proceeding departmentally against such persons that may be responsible and submit report to the Commission within 30 (thirty) days. The Secretary, Finance Department Sri I. Haque produced before the Commission today a copy of the letter No. FTX.125/2011/10 dtd 06.5.13 forwarding copy of enquiry report regarding the missing file No. FTX.139/88. This letter and the enquiry report are however, not available in the case records. Copies were obtained by the Commission from Sri I. Haque today.

From perusal of the enquiry report dtd 31.12.11 submitted by Sri G. Borthakur, ACS, Jt. Secretary, Govt. of Assam, Finance Department it is seen that the file has been missing since 3.11.88. The RTI application was filed by the petitioner on 25.11.10, that is more than twenty years after the missing of

the relevant file. Hence the RTI petition does not fall within the ambit of the RTI Act, 2005. Therefore, the complaint petition is dismissed.

However, the petitioner submitted that he has copies of some important documents pertaining to that file including judgment of the Hon'ble High court and Supreme Court. The petitioner/complainant is free to share those documents with the Finance (Taxation) Department so that they can reconstruct the missing file.

With the above order the matter is disposed of.

(H. S. Das)  
Assam State Chief Information Commissioner,  
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar  
Assam State Information Commission

Memo No.KP(M).241/2011

Dtd. 20.5.2015

Copy to:

1. The Commissioner & Secretary, Govt. of Assam, Finance (T) Department, Dispur for information.
2. Sri I. Haque, Secretary, Finance Department, Dispur for information.
3. The ASPIO & Dy. Secretary, Finance (T) Deptt., Dispur for information
4. Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati-1 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Secretary & Registrar  
Assam State Information Commission