



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

2nd appeal Case No. : KP(M) 281/2013

**FAA- Finance Secretary &SPIO/ Deputy Secretary. Finance
(Taxation) Department, present :**

Date of hearing : 1100 Hrs on 18-11-2015

Appellant: Sri Harinarayan Pathak is present

**Complaint/ Second : Shri P. Basumatary, IA& AS (Retd)
appeal heard by State Information Commissioner, Assam**

O R D E R

Perused the case records and the written statement submitted by First Appellate Authority and also the SPIO.

The appellant submitted that the files which could not be produced to him are numbered ; -FTX.208/99, FTX.56/2003, FTX 142/2001, FTX 164/2001 and FTX 193/2002.

Secretary, Finance who is the First Appellate Authority and the Deputy Secretary and ASPIO submitted that these files could not be located in spite of formal inquiry having been instituted and that the Inquiry Officer's report that the said files got lost on account of the shifting of the department to the new building, and therefore, it was not possible to trace them in spite of several searches in his presence.

As regards responsibility for the loss of the said files, the Inquiry Officer reported that since the way the files went missing could not be ascertained , responsibility could not be fixed for it.

The appellant submitted that information from the said files was necessary for him to connect with the information he has already received.

On perusal of the report of the aforesaid Inquiry Officer it indicates that the report was summary in nature without detailing the procedure that had been followed in the inquiry.

Considering the facts and circumstances of the case, the Commission hereby orders that the Finance Department may like to get the issue of missing files re-investigated/ re-inquired through the Senior most Secretary of the Department with the help of a multi-member Committee to determine the procedure that was followed in the movement of files from the previous office to the new office building, so as to identify the individual officials who were responsible for the safe custody and systematic movement of such files. This objective of the Committee will be in addition to the effort to locate the missing files so that the information which the appellant has sought under the RTI Act, 2005 can be made available to him fully.

The Inquiry process may be completed within a period of 45 days and on completion of the outcome of the report may be communicated to the appellant including a copy of the same.

With this the second appeal petition is disposed of.

The appellant will, however, be free to approach this Commission, if he is not satisfied with the response of the public authority.

**(P. Basumatary)
Assam State Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

**Secretary & Registrar
Assam State Information Commission**

Memo No. **KP(M),281/2013/ -A**

Dtd. 18-11-2015

Copy to:

1. First Appellate Authority, Finance Department, Dispur, Guwahati-6 for information and necessary action.
2. Sri Harinarayan Pathak ,Padum Pukhuri, Uzan Bazar, Guwahati- 1 for information
3. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam State Information Commission**