



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

Case No. : **KP(M).17/2014**

Complainant/ appellant : **Sri Hari Narayan Pathak**

Respondent : **Finance Department/ Political (Vigilance Cell) Department**

Date of hearing : **07-04-2016**

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

O R D E R

The petitioner Sri Hari Narayan Pathak is present. The SPIO and Deputy Secretary of Finance (Taxation) Department Sri Sailendra Nath Sarma is present. The SPIO of Political (Vigilance Cell) Department is absent without any information.

The appellant Sri H. N. Pathak submitted that he has meanwhile received copies of the remaining 3 letters from Political (Vigilance Cell) department, namely, (i) PLA(V)72/2003/31 dated 15-12-2003 (ii) PLA(V)72/2003/35 or 33 dated 11-1-2008 and (iii) PLA(V)7/07/Pt/23 dated 24-7-2007 as forwarded by Political (Vigilance Cell) department's letter No. PLA(V),65/2016/228 dated 17th March, 2016 from Joint Secretary and SPIO of Political (Vigilance Cell) Department, Govt. of Assam addressed to Sri H. N. Pathak.

The petitioner, however, pointed out and complained that copy of letter dated 15th December, 2003 mentions of a report of Vigilance Inquiry, as received from the Director General of Police (Vigilance and Anti Corruption), copy of which was not given to the petitioner. The Commission advised the petitioner to file a fresh RTI application for a copy of the Vigilance report before the concerned authority, because in the original RTI application dated 12-8-2013 he had asked for copies of letters without mentioning enclosures, if any.

The SPIO of Finance (Taxation) Department presented before this Commission a letter No. FTX. 34/2016/19 dated 22nd March, 2016, copy of which was also given to the petitioner Sri H. N. Pathak. With this letter he enclosed Finance (Taxation) Department's letter No. FTX.31/2004/64 dated 6th March, 2014 from the Deputy Secretary, Finance (Taxation) Department forwarding letter No. CTMS-7/04/113 dated 18th March, 2014 from Commissioner, Taxation along with enclosures which constitute the Action Taken Report on the letters mentioned by the RTI applicant. The applicant also admitted that he has received the above communications. But he raised the objection that the Action Taken Report mentions only 3 (three) letters, i.e., letters dated 15-2-2013, 11-1-2008 and letter dated 5-2-1011. The appellant's contention is that the public authority has not given the Action Taken Report on the other two letters dated 7-2-2013 and letter dated 24-7-2007.

The SPIO produced the other two letters from his file and pointed that those two letters were only reminders to earlier letters. Hence there cannot be any Action Taken Report on them.

Now the only other point of the appellant remains to be settled is – copy of the file notings on the above mentioned 3 letters which was processed in Finance (Taxation) Department.

The Commission directs the Deputy Secretary and SPIO of Finance (Taxation) Department to allow the petitioner/ appellant to see the relevant file notings and also allow him to take photo copies thereof today itself, in presence of the Registry of this Commission. Accordingly the petitioner received copies of the relevant file notings and acknowledged the same in writing with his signature.

With the above order the second appeal petition dated 29-11-2013 is disposed of.

**Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati**

**Authenticated true copy.
Sd/-**

**Registrar
Assam Information Commission**

Memo No.SIC/KP(M)/17 /2014

Dtd. 07-4-2016

1. Sri Sailendra Nath Sarma, Deputy Secretary of Finance (Taxation) Department, Govt. of Assam for information and necessary action.
2. Sri Hari Narayan Pathak, Padumpukhuri, Uzan Bazar, Guwahati-781 001 for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

**Registrar
Assam Information Commission**