

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

Case No. : SIC/KP(M).437/2016
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO/Deputy Secretary, Govt. of Assam,
Revenue & Disaster Management Department, Dispur
Date of hearing : 27.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
27.07.2016

The petitioner Sri Harinarayan Pathak is present.

The Public Authority is represented by Smt. Mayuri Chetia, Deputy Secretary & SPIO, Office of the R & DM Department. She has submitted a written statement dated 27.07.2016. The First Appellate Authority *i.e.* Commissioner & Secretary to the Govt. of Assam, R & DM Department has also submitted a written statement dated 27.07.2016.

Seen the written statement submitted by the Deputy Secretary & SPIO that the RTI application dated 02.05.2014 filed by Sri Harinarayan Pathak was received on 03.05.2014 by the then SPIO. The then SPIO could not trace the record in the department inspite of vigorous search and that the applicant was informed accordingly vide letter dated 22.05.2014 and as such it appears that there was no intention on the part of the then SPIO not to furnish the information and hence requested the Commission to refrain from imposing penalty.

Seen also the written statement submitted by the First Appellate Authority. He has stated that as per available records, the then First Appellate Authority had taken up the matter of the First appeal filed by the applicant and disposed of the same with a direction to the SPIO to take follow up action as per the decision of the Central Information Commission in respect of missing file.

Action taken report on the directions of the First Appellate Authority was not available on record.

In view of the facts stated above, the Commission hereby orders as follows:

1. The SPIO & Deputy Secretary, office of the R & DM Department shall take steps afresh to trace the records and furnish the information as sought for by the petitioner and also intimate action taken on the direction of the First Appellate Authority within 21 days from the date of receipt of this order; and
2. The First Appellate Authority/Commissioner & Secretary to the Govt. of Assam, Revenue and Disaster Management Department shall submit the status of action taken by the SPIO vide order of the First Appellate Authority within 30 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 24.11.2014 is disposed of. The Appellant shall be at liberty to submit a complaint of non-compliance in case he is not satisfied with the action taken in accordance with this order.

Sd/-
Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/KP(M).437/2016/17-A

Dtd. 27.07.2016

Copy to:

1. The SPIO/Deputy Secretary, Govt. of Assam, Revenue & Disaster Management Department, Dispur, Guwahati, Pin-781006 for information and necessary action.
2. The First Appellate Authority/Commissioner & Secretary, Govt. of Assam, Revenue & Disaster Management Department, Dispur, Guwahati, Pin-781006 for information and necessary action.
3. Sri Harinarayan Pathak, Padumpukhuri, Uzan Bazaar, Guwahati-1 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission