

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

Case No. : SIC/KP(M).424/2016
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Deputy Secretary, Govt. of Assam
Revenue & Disaster Management Department
Date of hearing : 21.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
21.07.2016

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 21.07.2016. The First Appellate Authority *i.e.* Commissioner & Secretary to the Govt. of Assam, R & DM Department has also submitted a written statement.

Seen the written statement submitted by the Deputy Secretary & SPIO that the RTI application dated 20.12.2013 filed by Sri Harinarayan Pathak was received on 31.12.2013 by the then SPIO. The then SPIO had furnished the information relating to point no. 1, however he informed that information relating to point no.2 could not be provided as the relevant file could not be traced in the office after vigorous search. The then SPIO had no intention 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. It appears that the petitioner had filed First Appeal on 27.03.2014. The First Appellate Authority vide order dated 20.06.2014 directed the Supdt. of the Department to re-search once again the file movement register and location of the relevant files and inform the petitioner within 15 days.

On careful perusal of records, it appears that information to point no. 1 and 2 had been furnished to the petitioner. As regards to point no.3 & 4, the petitioner was informed that the concerned file could not be traced. Action taken on the order dated 20.06.2014, mentioned above is not available on record and the petitioner has stated that part of the information was not furnished to him.

The Commission therefore remands the matter to the First Appellate Authority *i.e.* the Commissioner & Secretary to the Govt. of Assam, Revenue and Disaster Management Department to inform the petitioner, the action taken on his order dated 20.06.2014. He may dispose the matter with a speaking order after hearing the petitioner, within 30 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 29.05.2014 is hereby disposed.

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).424/2016/ 21-A

Dtd. 21.07.2016

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