

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

Case No. : SIC/KP(M).421/2016
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Deputy Secretary, Govt. of Assam
Revenue & Disaster Management Department
Date of hearing : 20.07.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R

20.07.2016

The petitioner Sri Harinarayan Pathak is absent but has informed vide letter dated 15.07.2016 that he will not be able to attend the hearing fixed on today *i.e.* 20.07.2016 and requested the Commission to fix another date for hearing.

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 20.07.2016. The First Appellate Authority *i.e.* Commissioner & Secretary to the Govt. of Assam, R & DM Department has also submitted a written statement.

In view of large number of cases pending before the Commission, the matter is taken up for consideration *ex parte* based on records.

Seen the written statement submitted by the Deputy Secretary & SPIO that the RTI application dated 09.04.2014 was filed by Sri Harinarayan Pathak. She stated that information was furnished by the then SPIO vide letter dated 20.05.2014 and that the information could not be furnished within the stipulated time due to the fact that the relevant file could not be traced. She sought for apology for delay which was primarily due to tracing out of records and not deliberately. Seen also the written statement submitted by the First Appellate Authority. It appears that the First Appellate Authority vide order dated 10.06.2014 had disposed of the First Appeal dated 12.05.2014 stating that since the reply had already been furnished to the petitioner, the SPIO was directed to furnish another copy of the letter dated 20.05.2014.

On careful perusal of records, it appears that information to point no. 1 and 2 had been furnished. As regards to point no.3 & 4, the petitioner was informed that the concerned file could not be traced. In view of the fact that before disposal of the First Appeal by the First Appellate Authority, part of the information was not furnished to the petitioner, the Commission remands the First Appeal dated 12.05.2014 to the First Appellate Authority *i.e.* the Commissioner & Secretary to the Govt. of Assam for verification of records and disposal of the same, with a speaking order, within 30 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 08.09.2014 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).421/2016/22-A

Dtd. 20.07.2016

Copy to:

1. The SPIO, office of the 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