

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

Case No. : SIC/KP(M).435/2016
Appellant : Shri Harinarayan Pathak
Respondent : The SPIO, O/o the Project Director, Integrated Tribal
Development Project, Tipkai, Kokrajhar
Date of hearing : 05.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
05.08.2016

The Appellant present.

Sri Madhabananda Ray, SPIO/Inspector, ITDP, Tipkai Kazigaon, Kokrajhar is present along with an assistant. Written Statements dated 03.08.2016 and 02.08.2016 received from the First Appellate Authority/PD, ITDP, Kazigaon and the SPIO respectively.

Heard the Appellant. He submitted that he had received the information he had sought for excepting that relating to one Applicant namely Ms. Lipika Ray. He has been informed that the information relating to Ms. Lipika Ray could not be furnished to him for want of the relevant record in the office.

Perused the W/S of the FAA. It has been submitted that hearing was held and order issued on 19.08.2014 in respect of the First Appeal filed by the Appellant dated 15.07.2014. It was ordered that the missing document should be searched again and provided to the Appellant, if found.

Perused the W/S of the SPIO and heard him and his assistant. It was submitted that the document in question might have been misplaced while relocating the office from Dhubri to Kazigaon, the current location during 2013 and therefore, "Non-availability Certificate" has been provided.

The Commission is of the view that the head of the office and his subordinates in that office during the process of shifting the office were responsible for moving the records and other assets of the office to a new location in an orderly manner and ensure safe custody thereof. Although, it has been stated that the records have been searched, no evidence has been produced of systematic search having been held to fix responsibility for their dereliction of duty in failing to safeguard, protect and preserve official records.

In view of the facts brought out above, the Commission hereby orders that the PD, ITDP, Tipkai, Kazigaon shall have a thorough and systematic search conducted to trace the missing record and cause the SPIO of his office to provide a copy thereof to the Appellant and also fix responsibility on official(s) for its loss in case the same could not be traced inspite of the search. The search may be completed within 15 days of receipt of this order. It is also ordered that the result of the search shall be communicated to the Appellant within 7 days of completion of the search by providing a copy of the documents sought by the Appellant or by a informing him that the same could not be located by detailing to him the action taken to search out the said document. Further, the process of fixing responsibility on the delinquent official(s) may be completed within a reasonable time.

With this, the Second Appeal Petition is disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.
Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/KP(M).435/2016/ 29 -A

Dtd. 05.08.2016

Copy to:

1. The SPIO, office of the Project Director, Integrated Tribal Development Project (ITDP), Tipkai, Parbatjhora, Kazigaon, Dist- Kokrajhar, Assam, Pin- 783339 for information and necessary action.
2. The First Appellate Authority/Project Director, Integrated Tribal Development Project (ITDP), Tipkai, Parbatjhora, Kazigaon, Dist- Kokrajhar, Assam, Pin- 783339 for information.
3. Shri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati, Assam, Pin- 781001 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission