

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).478 /2018  
Appellant : Sri Harinarayan Pathak  
Respondent : The SPIO, O/o the Social Welfare Department, Dispur,  
Guwahati- 6  
Date of hearing : 06.09.2018  
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
06.09.2018

Smt. Cauvery Barkakati Sharma, SPIO and Deputy Secretary, Social Welfare Department, Dispur is present. She submitted a Written Statement dated 04.09.2018.

The Appellant, Sri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he had received some information. However, (a) the copy of the Assam State Policy for Senior Citizens, 2016 furnished to him, was not a copy of the Gazette Notification, and (b) one of the files inspected by him on 19.09.2016 copies of whose notings he had sought for went missing subsequently and stated through a letter dated 05.08.2017 to be not available in the Department. He was aggrieved that inspite of requisitioning copies of the said notings through his letter written to the SPIO on the day of the inspection i.e., 19.09.2016, he was not provided with the same and informed about non-availability thereof after almost one year thereafter.

Perused the Written Statement and heard the SPIO. The sequence of the action taken by the SPIO, disposal of the First Appeal dated 23.10.2017 and the inspection carried out by the Appellant has been detailed. The SPIO submitted that she was not the SPIO at the time of action taken, and therefore could not explain as to why notings of the files in question were not provided promptly after the Appellant's inspection but has verified the fact that the concerned file had been submitted to higher authorities and had not returned.

The Commission saw the copy of the said Policy furnished to the Appellant, and agreed with the contention of the Appellant that the same was not a copy of any Gazette Notification. The Commission further observes that it ought to be possible for the SPIO to obtain the file in

question temporarily and return the same after furnishing the information sought for by the Appellant. Alternatively, should it not be possible to access the file the SPIO should for the time being furnish to the Appellant evidence of the movement of the file out of the Department.

In view of the facts brought out above, **the Commission hereby orders as follows-**

- (i) **The SPIO shall review the status of the said Policy namely, Assam State Policy for Senior Citizens, 2016 to determine whether it was notified in the official Gazette, and provide a copy thereof if it was indeed notified and if not inform the Appellant the fact of the status, and**
- (ii) **The SPIO should obtain the file in question temporarily and return the same after furnishing the information sought for by the Appellant. Alternatively, should it not be possible to access the file the SPIO should for the time being furnish to the Appellant evidence of the movement of the file out of the Department.**

**The Second Appeal is hereby disposed of.**

Sd/-

Pinuel Basumatary IA & AS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).478 /2018**

**Dtd.06.09.2018**

Copy to:

1. The SPIO, O/o the Social Welfare Department, Dispur, Guwahati- 6 for information and necessary action.
2. The First Appellate Authority/Social Welfare Department, Dispur, Guwahati- 6 for information.
3. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati- 781 001 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam Information Commission