

GOVERNMENT OF ASSAM  
FINANCE (EC - I) DEPARTMENT  
JANATA BHAWAN, DISPUR, GUWAHATI - 781006

Dated Dispur, the 2<sup>nd</sup> April, 2018.

**ORDER**

No. FEC(I).128/2017/30: In pursuance of Finance Department's letter no FEC(1).128/2017/29 dated 17/03/2018 issued by SPIO & Deputy Secretary to the Government of Assam, Finance (EC - I) Department, regarding hearing on the RTI First Appeal petitions, filed by Shri Dulal Bora, a resident of Kainadhara Tiniali, House No-118, Khanapara, Guwahati-781022, District-Kamrup(M), Assam a bench has been set up in my Office Chamber, Room No. 'F-004', Ground Floor, Block 'F', Janata Bhawan, Dispur, Guwahati - 06 at 11:00 AM on 23/03/2018.

The appellant filed 1<sup>st</sup> appeal vide No. D.B.56083/17/R/1 dated 12/01/2018 under Right to Information Act, 2005 in connection with the information sought for by him vide petition/ R.T.I. No. D.B.54848/17/(R), dated 25/09/2017 to Public Information Officer, Finance Department (Additional Chief Secretary), Govt. of Assam, Janata Bhawan, Dispur, Guwahati - 781005. He has enclosed copies of RTI application & Allegation petition, as reported to the undersigned by the SPIO, Finance (EC - I) Department. The appellant stated that the Public Information Officer did not furnish the information with reference to his R.T.I. petition No. D.B.54848/17/(R), dated 25/09/2017 under RTI Act. Information was related to his earlier allegation letter No. D.B.946/8/17, dated 16/05/2017.

Shri Dulal Bora, the Appellant was absent in the hearing scheduled on 7/03/2018 at 11:00 AM for first time, The appellant has been given another option for hearing on 15/03/2018 at 11:00 AM. But, the appellant has requested to re-fix another date for hearing vide his letter No. D.B.1205/1/18, dated 12/03/2018. Accordingly, for the ends of natural justice and to make his submission before the undersigned, notice has been issued again on 17/03/2018 by SPIO & Deputy Secretary, Finance (EC - I) Department, for hearing on 23/03/2018 at 11:00 AM. This time also the appellant, Shri Bora remained absent in hearing. SPIO cum Deputy Secretary to the Govt. of Assam, Finance (EC - I) Department was present on all the dates fixed for hearing.

Heard SPIO, it is stated that the contents of the Allegations do not come under the purview of Finance Department. The information is not available with the Finance Department. So, SPIO of Finance Department is not in a position to furnish the relevant information. The RTI petition along with the Allegation petition which was enclosed by the appellant were forwarded to the P & RD Department for taking necessary action on the matter. Further, the appellant was also intimated the position of Finance Department vide letter no. FEC(I).128/2017/8, dated 16/10/2017.

On perusal/examination of the relevant documents available in the relevant file made available to me by the SPIO of Finance Department & Nodal officer, RTI Cell, and after hearing both the sides, SPIO & Nodal officer, RTI Cell, is of the opinion that contents of the RTI petition, filed by Shri Dulal Bora, are not the subject matter of the Finance Department. The information is therefore not available with the Finance Department and hence SPIO is not in a position to furnish the relevant information.

Contd.

In conclusion, it is ordered as follows-

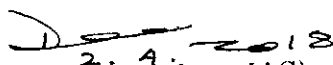
- (1) Wherever the information is available, SPIO / ASPIO will furnish the required information, as per provision of RTI ACT.
- (2) If the information is not available with the SPIO, ASPIO, he will take necessary action as per section 6(3), of the RTI act. Else, SPIO/ASPIO, will forward the same to the concerned PIO/SPIO of the concerned administrative department where the information is likely to be available.
- (3) Factual report should always be intimated to the Applicant, as per RTI, provision.

In the instant RTI, petitions, under reference, SPIO has confirmed the information is not available in Finance Department and the RTI petition along with enclosures had been forwarded to P & RD Department.

- (4) Shri Dulal Bora is at liberty to submit copy of the RTI application before the concerned PIO/SPIO, of the concerned administrative department where he thinks and satisfied that the information is likely to be available. It is expected the PIO/SPIO on receipt of such petitions from Shri Dulal Bora, will dispose of the RTI, Petitions as per provision of the RTI ACT, 2005.

This disposes of the RTI petition filed before the 1<sup>st</sup> Appellate Authority, of the Finance Department.

Inform all concern accordingly.

  
(Shri Debeswar Malakar, IAS)

First Appellate Authority cum Secretary to the Govt. of Assam, Finance Department.

Copy to :

1. Chief Information Commissioner, Jonakce Complex, Shilpagram, Panjabari, Guwahati - 781037 for information.
2. Shri Dulal Bora, Kainadhara Tiniali, House No.-118, Khanapara, District - Kamrup (M), PIN- 781022.
3. Shri Makibar Rahman, SPIO cum Deputy Secretary to the Govt. of Assam, Finance (EC - I) Department.
4. Shri Bharat Thakuria, Nodal Officer, RTI Cell, Finance Department cum Under Secretary to the Govt. of Assam, Finance (SIU) Department.
5. e-Governance unit, Finance Department for uploading the order in the official websites of Finance Department.