

Government of Assam
Finance (EC-II) Department
Janata Bhawan, Dispur, Guwahati - 781006.

No. FEC (II) 58/2012/100,

Dated the Dispur, the 6th October, 2017.

ORDER

In pursuance of this Department's letter no FEC(II) 58/2012/94, dated 22nd September, 2017 issued by SPIO & Deputy Secretary to the Government of Assam, Finance(EC-II) Department, regarding hearing on the RTI Appeal petitions, filed by Shri Dulal Bora, a resident of Koinadhara Tiniali, House No -118, Khanapara, Guwahati-781022, District: Kamrup (M), Assam, Shri Dulal Bora, remained absent before the 1st Appellate Authority, Finance Department, in my office chamber, today i.e. 25th September, 2017. SPIO confirmed that he issued the letter through Secretariat Issue Branch and obtained receipt from the Issue Branch, SAD.

In the 1st Appeal Petitions, filed by Shri Dulal Bora, as stated in details, in this Department's letter under reference dated 22nd September, 2017 / 26th September, 2017, he has enclosed copy of Allegation petition, copy of RTI application, as reported to the undersigned by the SPIO, Finance (EC-II) Department. Details of the same, in the form of statement, duly signed by SPIO, are enclosed herewith. All the Appeal petitions are addressed to Additional Chief Secretary to the Government of Assam, Finance Department, Dispur, Guwahati - 781006. Summary of RTI, 1st Appeal as furnished to me by SPIO, in the following files, is as follows:-

1. File No. FEC (II) 6/2016 – 1st Appeal petitions, are as follows:- (a) D.No D.B 53934/17/R/1 dated 25/8/2017, (b) D.No. D.B.53952/17/r/1, dated 25/8/2017, (c) D.No D.B.53982/17/R/1, dated 25/8/2017 (d) D.No D.B.D.B.53899/17/R/1, dated 25/8/2017 (e) D.NO.D.B.53883/17/R/1, dated 25/8/2017 respectively. He has enclosed copy of RTI, petition and copy of Allegation petition, details shown in the statement enclosed, signed by SPIO.
2. File No. FEC (II) 58/2012 - 1st Appeal petitions are as follows:- (a) D.B.53931/17/R/1 dated 25/8/2017 (b) D.B. No. 53996/17/R/1 dated 25/8/2017 (c) D.B. No. 53941/17/R/1 dated 25/8/2017 (d) D.B. No. 53969/17/R/1 dated 25/8/2017 (e) D.B. No. 53984/17/R/1 dated 25/8/2017 (f) D.B. No. 53951/17/R/1 dated 25/8/2017, respectively. He has enclosed copy of RTI, Petition and copy of allegations petitions, details shown in the statement enclosed, signed by SPIO.
3. File No. FEC (II) 96/2017, ECF No 35760 - 1st Appeal petitions are as follows:- (a) D.B. No. 53919/17/R/1 dated 25/8/2017 (b) D.B. No. 53947/17/R/1 dated 25/8/2017 (c) D.B. No. 53960/17/R/1 dated 25/8/2017 (d) D.B. No. 53878/17/R/1 dated 25/8/2017 (e) D.B. No. 53949/17/R/1 dated 25/8/2017 (f) D.B. No. 53944/17/R/1 dated 15/8/2017 (g) D.B. No. 53945/17/R/1 dated 25/8/2017 (h) D.B. No. 53888/17/R/1 dated 25/8/2017 (i) D.B. No. 53921/17/R/1 dated 25/8/2017 respectively. He has enclosed copy of RTI, petitions and copy of Allegations, details shown in the statement enclosed, signed by SPIO.
4. File No. FEC(II) 38/2017 ECF No 35686 - 1st Appeal petitions are as follows (a)D.B.53935/17/R/1 dated 25/8/2017 (b) D.B.53995/17/R/1 dated 25/8/2017 (c) D.B.53963/17/R/1 dated 25/8/2017 (d) D.B.53912/17/R/1 dated 25/8/2017 (e) D.B.53886/17/R/1 dated 25/8/2017 (f) D.B.53998/17/R/1 dated 25/8/2017 (g) D.B.53977/17/R/1 dated 25/8/2017 (h) D.B.53922/17/R/1 dated 25/8/2017 (h) D.B.53967/17/R/1 dated 25/8/2017 (i) D.B.53987/17/R/1 dated 25/8/2017, respectively. He has enclosed copy of RTI, petitions and copy of Allegations prayer, details of which shown in the statement enclosed, signed by SPIO.
5. A copy of report received from Finance (Taxation) & (PRU) Department are also enclosed herewith.

(Contd.. next page)

SPIO, has not received original Allegations petitions and original RTI petitions, details as shown in the statement enclosed signed by SPIO.

Immediately on receipt of the Appeal petitions along with copy of RTI, Petitions and copy of Allegations petitions, this were forwarded to the concerned Administrative Departments, where the information is likely to be available, vide this departments letter No's mentioned below, with copy to the petitioners. Details along with response of some Administrative Departments are shown in the statement, enclosed, signed by SPIO. (1) This Departments letter No FEC (II) 6/2016/41, 42, 47 dated 11/9/2017, details shown in the statement enclosed signed by SPIO. (2). This departments letter no FEC(II) 58/2012/71, 72, 84, 85 dated 11.9.2017, 11.9.2017, 12.9.2017, 12.9.2017 respectively, details shown in the statement enclosed, signed by SPIO. (3) This departments letter No. FEC (II) 96/2017/28 dated, 11/09/2017, details shown in the statement enclosed, signed by SPIO. (4) This departments letter no FEC (II) 38/2017/60 dated 11/9/2017, details shown in the statement enclosed, signed by SPIO.

Also present at the time of hearing :- (1) Sri Bharat Thakurie, Nodal officer, RTI Cell & Under Secretary, Finance (SIU) Department (2) MD Abdus Salem, SPIO & Deputy Secretary, Finance (EC-II) Department on 25th September, 2017 at 1:00 PM.

Since Shri Dulal Bora, the Applicant was absent on 25th September, 2017 to ensure reasonable and sufficient opportunity, for the ends of natural justice, to make his submission before the undersigned, notices were issued by SPIO & Deputy Secretary, Finance (EC-II), for hearing again on 6th October, 2017 at 11.30 AM vide letter No FEC (II) 96/2017/29 dated 26th September, 2017. All SPIO's of Finance Department were also requested to remain present with the report if any Appeal petition is pending.

SPIO, MD Abdus Salam, Finance (EC-II) Department, Bharat Thakurie, ASPIO & Nodal officer, RTI Cell & under Secretary, Finance (SIU) department, Lila Kanta Borah, SPIO, Finance (Establishment-A) Department, Smti Pasha Kherkatary, SPIO & Under Secretary, Finance (Taxation), Smti Gitanjali Ahmed Nayar, SPIO & Deputy Secretary, Finance (SIU) Department were present in my office chamber on 6th October, 2017. Today also Applicant, Shri Dulal Bora remain Absent.

Heard SPIO and ASPIO and Nodal Officer, RTI Cell. They stated that the contents of the Allegations are not the subject matter of Finance Department. The same is the case in respect of the RTI, Petitions, the information is not available with the Finance Departments. So as SPIO, ASPIO they are not in a position to furnish the relevant information. The Allegations petition has already been forwarded to the concerned Administrative Department, where the information is likely to be available, with copy to Shri Dulal Bora, details as per statement enclosed, as stated above. In respect of the RTI, Petitions, they are not confirmed where the information is likely to be Available. Original RTI, petitions not received by SPIO, as reported by concerned SPIO.

ASPIO, Shri Bharat Thakurie, Nodal Officer & Under Secretary Finance (SIU) Department, stated that the RTI Application has been refused and returned, with the approval of the then Commissioner & Secretary, Finance Department. He has informed Shri Dulal Bora, the Applicant vide this Departments letter no FIN/RTI/2016/005/184 dated 3rd February, 2017, in respect of 126 No's of RTI application dated 09/01/2017 and Finance (EC-II) Department received 30 Nos of RTI that the information as sought for by you under RTI, Act is exempted from disclosure under Section 8 of the RTI Act, 2005 (copy enclosed).

On perusal, examination of the relevant documents available in the relevant file, made available to me by the SPIO & ASPIO & Nodal officer, RTI Cell, and after hearing both the sides, SPIO & ASPIO, & Nodal, officer, RTI Cell, is of the opinion that contents of the bulk RTI petitions, filed by Shri Dulal Bora, is not the subject matter of the Finance Department. The information is therefore not available with the Finance Department and hence SPIO and ASPIO, is not in a position to furnish the relevant information. Besides, SPIO has not received original Allegation petitions & original RTI Petition's.

Regarding refusal to disclose the information by ASPIO & Nodal Officer, RTI Cell has already inform to Shri Dulal Bora, with reference to his RTI Applications, as stated above. I am of the view that if Shri Dulal Bora is Aggrieved by the said order, he can submit copies of the RTI, Petitions to the concerned PIO/SPIO of the Administrative Departments, where the information is likely to be Available.

In conclusion, it is ordered as follows, except as per Govt OM, cited below: -

1. Wherever the information is available, SPIO / ASPIO will furnished the required information, as per provision, of RTI Act.
2. If the information is not available with the SPIO, ASPIO, he will take neceasry 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, ASPIO has confirmed the information is not available.
4. Shri Dulal Bora is at liberty to submit copy of the RT, 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 that 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.

In respect of RTI, petitions already forwarded to the concerned administrative Departments where the information is likely to be available, SPIO/PIO of Administrative Departments will take necessary action as per provision of RTI Act, 2005.

In conclusions, the following Government OM, issued by Ministry of PERSONNEL, Public Grievances & Pensions, Department of Personnel & Training, Government of India, the contents of which are self-explanatory, is brought to the knowledge of concerned PIO, SPIO, ASPIO, etc. & Applicant, for perusal and taking necessary action. (Copies enclosed).

1. Govt OM NO 11/2/2008-IR dated 10th July/2008.
2. Govt OM NO 1/7/2009-IR dated 1st June/2009.
3. Govt letter no 1/18/2011-IR dated 16th September, 2011.

This dispossess of the bulk of RTI, petitions filed before the 1st APPEALATE Authority, of the Finance Department. If, any other RTI Application filed before the 1st Appellate authority, is pending and is of similar nature, it also stands dispose of, and similar action action will be taken, accordingly.

Inform all concern accordingly.

Enclosed: - As Stated Above (8 Nos).

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Additional Secretary to the Government of Assam
& First Appellate Authority, Finance Department.

Memo No. FEC (II) 58/2012/100,

Dated the Dispur, the 6th October, 2017

Copy to:

1. Shri Dulal Bora, KoinadharaTinali, House no 118, Khanapara, Guwahati-781022, District, Kamrup (M), Assam, Mobile No. 9577279984, email-associatesdpb@gmail.com for information and necessary action.
2. Shri Makibur Rahman, SPIO & Deputy Secretary, Finance (EC-I) Department / Md. Abdus Salam, SPIO & Deputy Secretary, Finance (EC-II) Department / Shri Ghana Kanta Pegu, Joint Secretary, & SPIO, Finance (EC-III) Department / Shri Lila Kanta Borah, Under

Secretary & SPIO, Finance (Establishment-A) Department / Joint Secretary & SPIO, Finance (Establishment-B) Department / Smti Bipasha Kherkatary, Under Secretary & SPIO, Finance (Taxation) Department / Smti Nirala Borah, Under Secretary & SPIO Finance (A&F) Department / Shri Deboram Pegu, Research Officer & SPIO Finance (PRU) Department / Shri Bhaskar Panda, Under Secretary & SPIO Finance (IF) Department / Shri Sudharshan Sarma, Under Secretary & SPIO Finance (Budget) Department / Shri Prasanta Phukan, Joint Director & SPIO, Finance (EA) Department / Smti Gitanjali Ahmed Nayar, Deputy Secretary & SPIO, Finance (SIU) Departments respectively, for information and necessary action. If any RTI application for first Appeal is pending subject matter is different. They will put the same to the undersigned, by today positively for disposal by the first Appellate authority, as per this departments letter No FEC (II) 96/2017/29-A dated 26th September, 2017.

3. Shri Bharat Thakurie, Under Secretary & ASPIO & Nodal officer RTI Cell, Finance (SIU) Department for information and necessary action.
4. SPIO, Finance Department will keep this order in the relevant concerned File.
5. Finance (e-Governance) Unit, Finance Department for uploading the order in the official websites of Finance Department.
6. The concerned Administrative Departments i.e. PWD (Roads) / PWD (Building & NH) / Information & Public Relations / Handloom Textiles & Sericulture / Revenue & DM / Personnel (B) / Transformation & Development / Assembly Secretariat / Home & Political Department for kind information and necessary action.

Additional Secretary to the Government of Assam
& First Appellate Authority, Finance Department

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6/10/17