

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**



Present: Hon'ble Shri D.N. Padhi, SCIC

Date 1st June, 2009

Complaint Case No.424/08

And

Complaint Case No.760/08

Judhistir Swain
Councilor,
C/o-Rama Swain,
Hinjilicut-761102
Ganjam District.....Complainant

-Vrs-

1. Public Information Officer
Office of the Executive NAC Officer,
Hinjilicut,
Ganjam District
2. First Appellate Authority
Office of the Executive NAC Officer,
Hinjilicut,
Ganjam District.....Opposite Parties

Decision

1. Complainant Judhistir Swain is present alongwith Nrusingha Prasad Patnaik. Gajendra Nath Patnaik, ex-PIO, (currently Executive Officer, NAC, Hinjilicut, Ganjam) and Rama Chandra Mishra, Junior Engineer-cum-PIO, both of NAC, Hinjilicut, Ganjam district are present. Heard. Perused the case record. This case arises out of complaint petition dated 26.5.08
2. The case was earlier heard on 20.01.09, 28.04.2009 and 13.5.09. As the two cases are similar in nature in terms of the date of the form A applications viz 10.3.08, the subject matters and filed with the same PIO, both the cases were tagged together for analogous hearing and be governed by this common decision.
3. The Complainant had filed two form A applications on 10.3.08 and 11.03.08 seeking information pertaining to development and electrification work respectively in the NAC area. Due to inaction by the PIO the Complainant filed complaint petition before the State Commission on 26.3.08.

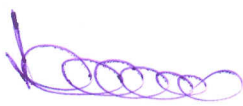
The PIO stated that the information were kept ready but as he did not turn up the same was sent, free of cost, to the Complainant vide letter No.395 dated 8.4.08 by post. The PIO produced the issue register which was verified and taken to record. But the Complainant stated that he has not received the information.

4. On hearing the submissions of the PIO and the Complainant the State Commission in exercise of the powers conferred under Rule 7(1)(c) of the Orissa Information Commission (Appeal Procedure) Rules,2006 appointed the Sub-Collector, Chatrapur, Ganjam as an authorized Officer to conduct a fact finding enquiry into the matter and submit the enquiry report. He was also directed to ensure the supply of information through the PIO, to the Complainant without any further delay. The said report has not yet been submitted by the Sub-Collector. It was stated by both the Complainant and the Opposite Party that the Sub-Collector had conducted the enquiry on 27.4.09 which they have attended. In obedience to the order of the State Commission on 28.4.09 an amount of Rs.15/- has been refunded and complete information has been furnished as stated by the Complainant and the PIO.
5. The point at issue which remains adjudication is the element of delay. It is seen from the record that the form A applications dated 10.3.08 and 11.03.08 were not addressed to the PIO, and therefore, abinitio invalid. But in good faith the information were furnished and the Complainant is in receipt of the same and expressed his satisfaction. The Public Authority in this case had acted in a citizen friendly manner.
6. As there is no point for adjudication and the Complainant is in receipt of information although the applications were not valid, the case is disposed of and closed with no orders on penalty.

Pronounced in open proceeding

Given under the hand and seal of the State Commission, this 1st day of June, 09.




SCIC
1.6.09