

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date: 5th June, 2009

Complaint Case No.312 /2007



N.Govinda Rao,
Main Road,
PO-Koraput,
Koraput district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Notified Area Council,
Koraput,
Koraput district.
2. First Appellate Authority,
Office of the Notified Area Council, Koraput,
Koraput district.....Opposite Parties

Decision

1. Complainant N.Govinda Rao is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Balaji Sahu ex-PIO,(currently Executive Officer, NAC, Kotpad) and Debendra Nath Moharana, PIO, office of the Notified Area Council, Koraput are present. Heard. Perused the case record. This case arises out of complaint petition dated 16/03/07 and heard by the State Commission earlier on 28/11/07, 15/05/08, 09/09/08 and 01/05/09.
2. Form A application was filed by the Complainant on 13/12/06. As the Complainant did not receive any information within the maximum stipulated period of 30 days, he approached the First Appellate Authority on an appeal in form D dated 17/01/07. The First Appellate Authority

directed the PIO on 17/01/07 to furnish information to the Complainant by 20/01/07. Unfortunately, the First Appellate Authority had not endorsed a copy of his orders to the Complainant. The Complainant on 28/11/07 had submitted that as he did not receive any information from the First Appellate Authority or the PIO he requested Collector, Koraput district to expedite the process of furnishing information. The Collector, Koraput district directed the PIO to furnish requested information within 3 days. The Complainant could not produce a copy of the said letter to corroborate his point though the RTI Act, in any case, does not recognize such a course of action of approaching the Collector of a district after failing at the level of the First Appellate Authority.

3. Unable to get any information, he approached the State Commission on 17/03/07. In the meantime, the PIO has furnished information vide letter no.2850 dated 13/11/07. The Complainant had submitted on 28/11/07 that information received was wrong and misleading.
4. After going through the documents on record and hearing the parties, the State Commission had directed the PIO on 28/11/07 to furnish complete and correct information within 7 days and report compliance to the State commission by 15/12/07. The First Appellate Authority had been simultaneously directed to oversee and ensure supply of information by the PIO. The Complainant was also asked to inform the PIO in writing what and why he considers the supplied material as wrong so that the correct/appropriate information could be given to him.
5. The PIO stated that in the meantime all the required information were supplied to the Complainant vide letter no.904 dated 07/05/09.
6. As regards the delay, Balaji Sahoo, ex-PIO, office of NAC, Koraput stated that when the form A application was filed, his mother-in-law was


hospitalized and he was on leave to look after her. She subsequently expired on 12/12/06. Being emotionally upset and also being on leave he could not attend to the RTI application on time. Delay caused was entirely circumstantial and beyond his control. He prayed that for a similar lapse he had been penalized Rs.4750/- in C.C. no.241/2007.

7. After hearing the parties, the State Commission exonerated Balaji Sahoo, ex-PIO with a severe cautionary note to avoid delays in attending to RTI application and recurrence in future may attract severe penalty as enshrined under Section 20 (1) and action under Section 20 (2) of the RTI Act, 2005.
8. With the above directions, the case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 5th day of June, 2009.




SCIC
S. G. ef

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