

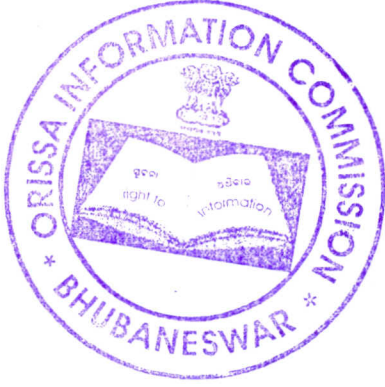
**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

**Present: Shri Jagadananda,SIC**

**Date: 26th March, 2009**

**Complaint Case No. 01 / 2007**



Jyoti Prasad Chotray,  
At-R.C. Das Lane,  
Komapalli,  
Berhampur,  
Ganjam District.....Complainant

**-Vrs-**

Public Information Officer,  
Office of the Superintendent,  
M.K.C.G. Medical College Hospital,  
Berhampur,  
Ganjam District..... Opposite Party

**Decision**

1. Complainant Jyoti Prasad Chotray is absent. The same cannot be condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 in view of the previous order dated 13/02/09 in which the presence of the Complainant was considered essential. Bibhuti Bhusan Brahma, Senior Clerk-cum-PIO, office of the Superintendent, MKCG Medical College and Hospital, Berhampur is present. Heard. Perused the case record. The case arises out of the complaint petition dated 27/12/06.
2. This case was heard on three different occasion dated 23/08/07, 29/11/07 and 13/02/09. The Complainant filed form A application before the PIO on 18/09/06. The PIO after receiving the application

forwarded it on 23/09/06 to the Dealing Assistant, B.B. Brahma, office of the Superintendent, MKCG Medical College and Hospital vide their letter no-8774 dated 28/09/06 stating that copy of the DPC proceedings as required by the PIO have been submitted to the office of the Government Advocate, Orissa Administrative Tribunal vide letter no-12631 dated 28/11/05 which are not yet received back. Soon after receipt of the same this will be handed over to the PIO for compliance. This has been communicated to the Complainant vide memo no-7 dated 04/10/06.

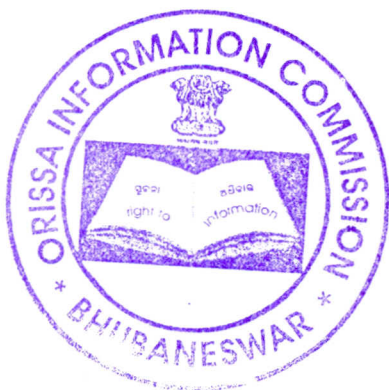
3. Being aggrieved by the inaction of the PIO, the Complainant submitted a letter dated 20/11/06 requesting the PIO to take necessary steps to provide information within a period of 7 days. Attested photocopies of the DPC proceedings dated 18/05/09 were submitted to the Complainant by the PIO on 04/01/07 on payment of Rs.12/- towards the cost of information. While the Complainant received the DPC proceedings, the information received by him still remained incomplete in the sense that he was denied access to the file noting.
4. Not satisfied with the information provided by the PIO the Complainant once again submitted that complete information be provided to him in his letter dated 24/01/07. The file notings were given containing 34 pages vide letter no-16 dated 24/03/07. This time, however, it was supplied free of cost.
5. The Complainant has received complete information belatedly. The State Commission observes that delay has been principally caused at the level of B.B. Brahma, Dealing Assistant (Non-Gazetted Estt-II) of

the Medical College Hospital from whom assistance was sought by the PIO under Section 5(4) of the said Act.

6. The State Commission directed B.B. Brahma to explain the delay and the PIO was directed to refund Rs-12/- to the Complainant for violation of the provision under Section 7(6) of the said Act. Response from B.B. Brahma was received vide letter no-9774 dated 28/09/06 stating that copy of the DPC proceedings as required by the PIO had been submitted to the office of the Government Advocate, in connection with a pending case before the State Administrative Tribunal and he is no way responsible for the delay.
7. After hearing the submission of B.B. Brahma the State Commission does not find any reason to proceed with the penal proceedings and in consideration thereto exonerate B.B. Brahma, PIO without awarding any penalty.
8. 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 26th day of March, 2009.



*Syadw...*  
SIC 26/3/09