

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

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

Date: 8<sup>th</sup> June 2009

Complaint Case No.1146 /2007

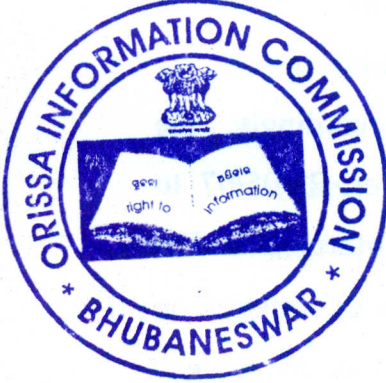
Sandhyarani Pani,  
Hill Patna, 3<sup>rd</sup> Lane,  
Berhampur-760005,  
Ganjam district.....Complainant

-Vrs-

1. Public Information Officer,  
Office of the Superintending Engineer,  
Southern Circle ( R & B),  
Berhampur-760004,  
Ganjam district.
2. First Appellate Authority,  
Office of the Superintending Engineer,  
Southern Circle ( R & B),  
Berhampur-760004,  
Ganjam district.....Opposite Parties

Decision

1. Complainant Sandhyarani Pani is absent. The same is condoned under Rule 9 (2) of Orissa Information Commission ( Appeal Procedure) Rules, 2006. Ramesh Chandra Rath, Assistant Engineer and Bijoy Kumar Patnaik, Superintending Engineer ( R & B)-cum-First Appellate Authority, Southern Circle, Berhampur are present. Heard and perused the case record. This case arises out of the petition dated 31/07/07, and is being heard for the first time.
2. It reveals from the documents on record and emerges from the submissions of the opposite parties that the Complainant had sought information in form A application dated 05/05/07 from the PIO, office of the Superintending



Engineer, Southern Circle ( R & B), Berhampur on the appointment and various service conditions of the DLR and NMR employees.

3. The PIO during the hearing today stated that after receipt of the said form A application he requested the APIO to submit correct required information for immediate onward transmission to the Complainant. Accordingly, the information was prepared and the Complainant intimated on 22/05/07 to deposit a sum of Rs. 27/- towards the cost for providing the information. The Complainant deposited the same on 24/05/07 and received the information on 30/05/07. The PIO prayed before the State Commission that as he had supplied the required information to the Complainant within the stipulated time frame under RTI Act, 2005, he may be exonerated from any charges of delay. The State Commission appreciating the bonafide and timely action of the PIO exonerated him, based on corroboratory evidence, although the Complainant had alleged that the information supplied were incomplete, without being specific. She was also not present today to lead her point.
4. The Complainant had filed form D appeal on 07/06/07. Not receiving any information or response she preferred a second appeal in form E dated 31/07/07. The second appeal was admitted as a complaint petition under Section 18 of the RTI Act, 2005 on scrutiny in terms of the provisions of the Orissa Information Commission ( Appeal Procedure) Rules, 2006 as orders of the First Appellate Authority had not been enclosed. This was done not to deprive the Complainant of her right to information. On perusal of the findings of the First Appellate Authority, a copy of which was submitted during the hearing indicating the acknowledgement of receipt by the Complainant. The State Commission expressed their displeasure that procedural norms and action as per RTI Act, 2005 had not been maintained by the First Appellate Authority. The latter should have given notice well in advance to the Complainant as well as to the PIO/referred PIOs at the time of hearing of the case and passed orders accordingly. However, the State

Commission cautioned the First Appellate Authority to be careful in future while handling application under the RTI Act, 2005.

5. In view of the fact that all information had been submitted by the PIO within the prescribed time, the State Commission were convinced that there was no reason to prolong the case further as the information need of the Complainant had been met. Hence the case is disposed of and closed. Inform the Complainant. She can apply afresh if any new/additional information is required.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 8<sup>th</sup> day of June, 2009.



  
**SCIC**  
S. S. P.

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