

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR



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

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

Complaint Case No. 1151 / 2007

Ajit Kumar Pattnaik,  
At-Podapalli,  
PO-Goimundi,  
Via-Raj Khariar,  
Nawapara District.....Complainant  
-Vrs-

Public Information Officer  
Office of the Executive Engineer (Rural Works),  
Nawapara,  
Nawapara District.....Opposite Party

**Decision**

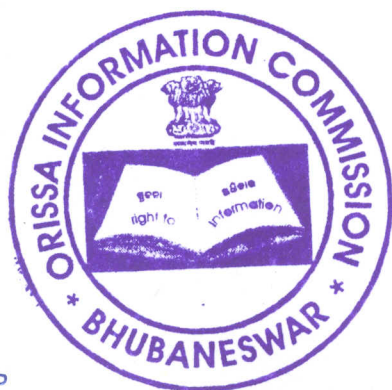
1. Complainant Ajit Kumar Pattnaik is absent. The same is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure), Rules, 2006. Debendra Kumar Seth, PIO, office of the Executive Engineer, Rural Works Division, Nawapara is present. Heard and perused the case record. This case arises of the complaint petition dated 16.07.2007.
2. It is evident from the documents on record that Ajit Kumar Pattnaik had complained to the State Commission the absence of a designated PIO in the office of the Sub-Divisional Officer-cum-Assistant Engineer (RW) Sub-division, Khariar. The Complainant had submitted that as per provisions of Section 5(2) of the RTI Act, 2005 there should be a PIO/APIO at each Sub-Division level public authority etc. to receive RTI application(s) for supply of information but the Sub-Divisional Officer-cum-Assistant Engineer, (RW) Sub-Division, Khariar was refusing to receive any RTI application on the plea that no person had yet been appointed as PIO/APIO. To know the actual fact, the Complainant had contacted the Executive Engineer, Rural Works Division, Nawapara regarding the above issue.


He was, it seems, informed that the SDO, Rural Works, Khariar had not been appointed as PIO or APIO. So the Complainant prayed before the State Commission to consider the above lapse and issue suitable orders to rectify the above defects. This complaint does not, therefore, relate to any existing RTI application.

3. The PIO during the hearing today clarified that under the Executive Engineer (Rural Works) Division, Nawapara there are two Sub-divisions headed by viz. (i) Assistant Engineer (Estimator) at Nawapara and (ii) Assistant Engineer, Khariar, Nawapara district, and they are about 75 kms apart. In obedience to the letter no.10040 dated 01.08.2006 to Commissioner-cum-Director, Rural Development Department, Government of Orissa, Bhubaneswar, the Assistant Engineer (Estimator) of Rural Works Division, Nawapara ( located in the office of the Executive Engineer) was designated as PIO and the JE(HQ) of that office designated as APIO in respect of the Rural Works Division, Nawapara, as a whole. He also stated that in this regard an office order had been issued bearing no. 4338 dated 31.08.2006. Subsequently, the Assistant Engineer in Rural Works Sub-division, Khariar has also started functioning as a PIO. Henceforth there would not be any problem in the two Sub-divisions to meet the needs of the citizens in respect of RTI Act,2005 and Orissa RTI Rules,2005 framed thereunder.
4. In view of the above situation, the State Commission were convinced that the Assistant Engineer, Rural Works Sub-division, Khariar has also been designated as a PIO and, therefore, there was no need to prolong this matter. It was decided to dispose of and close the case. Inform the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission this 08<sup>th</sup> June, 2009.



  
SCIC  
8-6-09