

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC
and
Shri Jagadananda, SIC**

Date: 12th February, 2009

Complaint Case No. 135/2007



Lachhami Narayan Agarwalla,
At-Rajabazar,
PO-Jatni,
Jatni-752050,
Khurda districtComplainant
-Vrs-

1. Public Information Officer,
Office of the Food Supply and Consumer Welfare Department,
Government of Orissa,
Secretariat,
Bhubaneswar
2. First Appellate Authority,
Office of the Food Supply and Consumer Welfare Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties.

Decision

1. Complainant Lachhami Narayan Agarwalla is absent but is represented by Ganesh Agarwalla. Pramod Kumar Dash, PIO, Orissa State Civil Supplies Corporation and his Advocate, Sri Amiya Kumar Mishra, Krushna Chandra Dash, Civil Supplies Officer, Puri and Manjulata Swain, PIO-cum- Under Secretary, Food Supplies and Consumer Welfare Department, Government

of Orissa, Secretariat, (Department for short) Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 16/01/07 and earlier heard on 18/11/07 and 16/04/08.

2. Form A application dated 08/12/2006 was filed with the PIO of the Department it was received on the same day. The Complainant did not receive any response from the PIO within the stipulated maximum period of 30 days. Therefore, he approached the State Commission on 16/01/07 for relief.
3. The PIO of the Department had submitted on 08/11/07 that he sought assistance from the PIO, Orissa State Civil Supply Corporation Ltd., Bhubaneswar, Collector, Puri, Section Officer, Corporation Establishment and Audit Establishment of the Department vide letter no.26103 dated 13/12/06 and the Complainant informed in the subsequent memo of even date. The First Appellate Authority-cum- Joint Secretary of the Department was also requested to facilitate furnishing information vide letter no.26263 dated 14/12/06. The PIO further submitted that he did not receive any information from any quarters. No reminder was also issued to supply the information and till now information has not been supplied. The Complainant also submitted on 08/11/07 that he had not received any information in response to form A application.
4. The crux of the matter is that Complainant wanted refund of his storage agent security money from the year 1974-75 to 1980-81 and 1981-1989. The C.S.O.-cum- PIO, Puri had stated that security money could be refunded

only after obtaining audit clearance certificate from the Departmental Auditors. He made an oral submission during the course of hearing that it takes long time and only after receipt of clearance report from the Department it will be possible for him to refund the security money, as sometimes the Corporation has to receive back money from the storage agents. The State Commission had observed that however long the procedure may be, the matter cannot rest pending for more than thirty years. No Government procedure should require thirty years to complete. The PIO was, therefore, directed on 16/04/08 by the State Commission to take vigorous steps and obtain the audit clearance certificate from the Department and provide the information to the Complainant within a month and report compliance to the State Commission through the Registrar on or before 22/01/08.

5. The PIO, Food Supplies and Consumer Welfare Department stated today that the Complainant had filed three form A applications dated 07/07/06, 07/12/06 and 30/04/07. The RTI application dated 07/07/06 (received on 13/07/06) had been rejected on time on 08/08/06 in form C. Hence there was no delay in that case.
6. In so far as the RTI application dated 08/12/06 is concerned, the State Commission on 08/11/07 had directed the PIO to provide the information to the Complainant , free of cost ,within 20 days. In obedience to the orders of the State Commission, the PIO had submitted that the required information have been supplied to the Complainant on 15/11/07 which was confirmed on


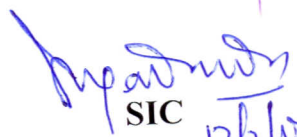


behalf of the Complainant. The RTI application dated 30/04/07 had, indeed become infructuous.

7. In view of the above, the case is disposed of and closed. Suffice it to mention that the same issue has also been disposed of earlier in Complainant Case no. 99/2007.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 12th day of February, 2009.


SCIC
12-2-09

SCIC
12/2/09