

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



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

Date: 5th June, 2009

Complaint Case No.268 /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

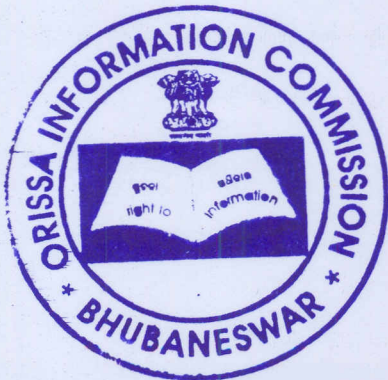
1. Complainant N.Govinda Rao is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Balaji Sahu, ex-PIO (currently Executive Officer, NAC, Koraput) and Debendranath Moharana, PIO, office of the Notified Area Council, Koraput are present. Heard. Perused the case record. This case arises out of complaint petition dated 08/03/07 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 dated 13/10/06 was received by the PIO, office of NAC, Koraput on the same date. The Complainant had submitted on 28/11/07 that he had not received any information within the stipulated maximum period of 30 days and hence approached the First Appellate Authority in form D appeal on 13/11/06. The First Appellate Authority disposed of the case unilaterally without hearing the Applicant and asked the PIO, office of NAC, Koraput to supply the information by 30/11/06. A copy of his order was also not communicated to the Complainant. Despite the order of the First Appellate Authority,, the Complainant submitted that he did not get any information from the PIO. Unable to receive any information from the PIO, Complainant N. Govinda Rao approached the State Commission on 08/03/07.
3. On 28/11/07 the present PIO had submitted that the information as supplied on 07/06/07 was a result of a thorough search. But the Complainant submitted that he had not received any information supposed to have been sent on that date. After receipt of notice from the State Commission the PIO it seems, sent it again on 26/11/07. The Complainant confessed that he refused to receive any information from the PIO sent on 26/11/07 as he preferred to await the orders of the State Commission. On 28/11/07 during the course of hearing, the PIO was directed to provide, free of cost, the information to the Complainant. After scrutinizing the same, the Complainant found the information to be incomplete. Therefore, the PIO was directed to provide balance information within 7 days therefrom and report compliance to the State Commission on or before 15/12/07.

4. On 01/05/09 the Complainant stated that in the meantime he has received all the information in two instalments.
5. As regards the delay, Balaji Sahoo, ex-PIO stated that when the Complainant filed the form A application, his mother-in-law was hospitalized and she subsequently expired. Being tied up with family problems, and being on leave, he could not attend to the RTI application on time. He prayed that the delay caused was entirely circumstantial and beyond his control and for the said lapse he had been penalized Rs.4750/- in C.C. no.241/2007.
6. After hearing the parties, the State Commission exonerated Balaji Sahoo with a severe cautionary note to avoid delay in attending to RTI applications and recurrence in future may attract penalty as enshrined under Section 20 (1) and action under 20 (2) of the RTI Act, 2005.
7. 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
5-6-09

TTL