

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date: 4th June, 2009

Complaint Case No.315 /2007

Rabinarayan Das,
At/PO-Antei,
PS-Patkura,
Kendrapara district.....Complainant

-Vrs-

Public Information Officer,
Office of the Directorate of Health Service, Orissa,
Bhubaneswar-751001.....Opposite Party

Decision

1. Complainant Rabinarayan Das is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Surendra Thakur, PIO and Ramachandra Dash, Senior Assistant, Directorate of Health Services, Orissa, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 17/03/07 and heard by the State Commission earlier on 07/12/07, 15/07/08, 18/09/08 and 30/01/09.
2. The Complainant had sought information in form A application dated 01/02/07 from the PIO, Directorate of Health Services, Orissa, Bhubaneswar relating to penalty imposed on him by CDMO, Kendrapara, regularization of his leave period and relaxation of the penalty awarded to him.

3. Form A application was received by the PIO on 01/02/07. The same was forwarded on 05/02/07 to the Joint Director to provide the information. The latter provided the information vide letter no. 8256 dated 08/03/07. The Complaint was, however, was not satisfied as he considered it incomplete.
4. On 07/12/07 the State Commission had directed the PIO to provide the balance information to the Complainant within a month and report compliance to the State Commission and also directed the PIO to submit a chronological datechart.
5. From the chronological datechart submitted on 14/08/08 it reveals that initially the file was left unattended by Ramachandra Dash from 10/02/07 to 05/03/07 for a period of 24 days. The PIO stated that in the meantime all the required information has been supplied to the Complainant on 24/02/07.
6. As regards the delay, though reasonable opportunity was afforded to Ramachandra Dash, Senior Assistant to explain that he had acted reasonably and diligently he failed to convince the State Commission. In this regard both his written memorandum of defence dated 30/01/09 and 04/06/09 was also taken into account. Hence, the State Commission considering all aspects of the case and in view of the mandatory provisions of Section 20 (1) of the RTI Act, 2005 decided to impose a penalty of Rs.6000/- on Ramachandra Dash for the delay of 24 days at the rate of 250/- per day of delay. He is directed to deposit the same in the Treasury under Head "0070-other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005" within 30 days of receipt of this order failing which the same shall be

recovered by the Public Authority in four equal, consecutive, monthly instalments from the salary of August, 2009 payable in September, 2009. If for some reason or the other, the same cannot be recovered from him, recourse to Rule 13 of the Orissa Right to Information Rules, 2005 will be initiated by the Public Authority. The PIO will inform Secretary to the Orissa Information Commission the fact of full recovery.

7. The other referred PIOs was exonerated as no delay was established at their levels.
8. With the above orders, the case is disposed of and closed. Inform all concerned including the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 4th day of June, 2009.




SCIC
6.6.09