

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

and

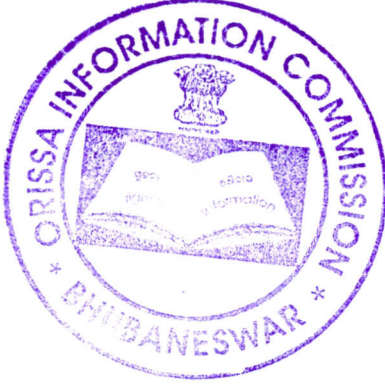
Shri Jagadananda, SIC

Date: 29th January, 2009

Complaint Case No. 475/2006

and

Complaint Case No.13/2007



Prafulla Kumar Moharana
At-Chhanchunia,
PO-Thakurpatna-754250,
Kendrapara DistrictComplainant

-Vrs-

Public Information Officer,
Office of the District Inspector of Schools,
Kendrapara District.....Opposite Party

Decision

1. Complainant Prafulla Kumar Moharana is absent. The same is condoned under Rule 9 (2) of the (Appeal Procedure)Rules, 2006. Sachidananda Balbantaray, ex-Head Clerk incharge, Gagan Bihari Nayak,ex-District Inspector of Schools, Kendrapara,Surendra Nath Barik, District Inspector of Schools, Kendrapara, Hemanta Kumar Jena, office of the District Inspector of Schools, Kendrapara and Madhusudan Rout, Head Master, Tunupur High School are present. Heard. Perused the case record. These cases arise out of complaint petitions dated 22/12/06 and 03/01/06 and earlier heard analogously on 25/07/0704/10/07, 17/11/008, 11/07/08 and 16/10/08. This common order will govern the above two cases.

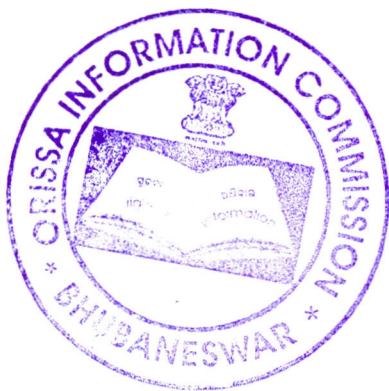
2. Complainant had sought for information in form A application dated 22/11/06, from the PIO, office of the District Inspector of Schools, Kendrapara on 10 items all relating to personal matters like sanction of his arrear salary and cause of his suspension, reasons of delay thereof etc.
3. The ex-PIO, Madhusudan Rout (currently Head Master, Tunupur High School) mentioned that he had not seen the application of the Complainant. After receiving the notice dated 28/03/07 from the State Commission he inquired into the matter and traced out the application of the Complainant from Kishore Sahu. The application of the Complainant was received by the Head Clerk, Sachidananda Balabantaray who had marked it to Kishore Sahu. The latter had retained it with him without any action. The ex-PIO mentioned that he had reminded Kishore Sahu, but to no avail.
4. It was the contention of the opposite party earlier as on today that no officer was designated as PIO till 10/01/07 in the Public Authority as required under Section 5 of the RTI Act, 2005 (Act for short). Such omission by the Public Authority is a serious lapse. If there is no PIO, in a Public Authority, a citizen seeking information under the Act is deprived of his right which frustrates the aim and object of the Act.
5. The State Commission after hearing the parties had directed on 25/07/07 the present PIO to provide the information to the Complainant, free of cost, by 28/07/07.
6. In obedience to the orders of the State Commission, the PIO had mentioned that he had supplied the information to the Complainant, free of cost vide letter no.3075 dated 25/07/07 itself. District Inspector of



Schools, Kendrapara being the Head of the office of the Public Authority was directed to clarify whether as on 22/11/06 that is the date of form A application, there was any designated PIO in their office or not. The District Inspector of Schools, Kendrapara stated that the PIO and First Appellate Authority were designated on 11/10/07 after receiving instructions from the Director of Elementary Education, Orissa, Bhubaneswar.

7. In view of this peculiar circumstance when no officer was formally designated as the PIO/ First Appellate Authority at the time of receipt/handling of the RTI applications no action can be initiated against anybody. The situation has since been rectified from 11/10/07. Hence, the case is disposed of and closed with no orders on penalty.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 29th day of January, 2009.




SCIC
29.1.09

SIC 29/1/09