

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date : 27th March, 2009

Complaint Case No.593/2007

Manas Ranjan Sahu,
At/PO-Dharamgarh-766015,
Kalahandi district.....Complainant.

-Vrs-

Public Information Officer,
Steel and Mines Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Party



Decision

1. Complainant Manas Ranjan Sahu is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Debadutta Suranjita Jena, PIO-cum-Under Secretary and Manmohan Deo, Section Officer, Level-I (retired) both of the Steel and Mines Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 10/05/07 and heard by the State Commission earlier on 15/02/08, 31/07/08 and 20/02/09.
2. Complainant had sought in form A application dated 17/01/07 filed with the PIO, Steel and Mines Department, Government of Orissa, Secretariat, Bhubaneswar particulars of the organization, functions, the powers and the duties of the officers and employees under Section 4 (1) of the RTI Act, 2005. The information query is on reverse of form A application which is on record. The PIO submitted that she received the application on 19/01/07 and the copy

of the application was forwarded to MC-1, MC-II, Finance Sections of Steel and Mines Department on 08/02/07 as required information related to them.

3. On 15/02/08, the PIO had stated that while part information was available in the Department, some items of information related to the Directorate of Mines, Orissa. The information relating to the Department were collected on 24/02/07 and the Complainant requested on 17/03/07 to receive the information. Balance information was collected from MC Section II on 13/03/07 and the requestor informed on 16/04/07 to receive the same. On both the occasions, it seems, the Complainant did not turn up. The PIO had further submitted on that day that as regards delay, Head-Clerk-cum-APIO, M. M.Deo was responsible. Indeed, this is a statutory obligation of the Public Authority to ensure pro-active disclosure under Section 4 (1) (b) of the RTI Act, 2005 (Act for short). Apart from that, the then PIO and the staff who dealt with the application did not appreciate the focus of the request. Also, the information requested for related to the Department and had nothing to do with the Directorate of Mines which is a separate Public Authority. The request of the Complainant did not cover the Directorate.
4. After hearing the parties, the State Commission on 15/02/08 had directed the PIO to provide by 18/02/08 the information to the Complainant, free of cost, and come with M.M.Deo to explain the delay. On 31/07/08, the PIO submitted that she had complied with the directions of 18/02/08 and supplied the information, free of cost.
5. Man Mohan Deo admitted on 20/02/09 that the relevant file was put up to him by the Dealing Assistant on 08/02/07 and he cleared the same on 19/02/07. He was, therefore, given another opportunity to explain the delay of 9 days on the next date of hearing, that is today.
6. Man Mohan Deo submitted that he was in charge of two Sections namely, O. E and F.E. Sections. Due to pressure of work, the file unintentionally


remained with him without any action. This was not acceptable as a valid defence under the RTI Act, 2005

7. Hence the State Commission pressing into the service, the provisions of Section 20 (1) of the RTI Act, 2005 imposed penalty of Rs.2250/- on Man Mohan Deo, Section Officer, Level-1(retired), Steel and Mines Department for delay of 9 days at the rate of Rs.250/- per day. He is directed to deposit the same within 30 days of receipt of this order 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" failing which the same shall be recovered from him by the Public Authority (Principal Secretary, Steel and Mines Department) under Rule 13 of the Orissa Right to Information Rules, 2005. The PIO will inform the Secretary, Orissa Information Commission of the fact of recovery, as soon as it is complied with.
8. With the above direction, the case is disposed of and closed. Inform all concerned including the Complainant and the Public Authority.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 27th day of
March, 2009




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