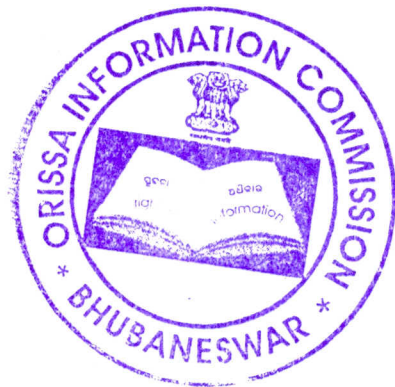


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date : 27th March, 2009

Complaint Case No.68/2006



Himansu Ranjan Mohanty,
Forest Range Office,
Khandapara,
Nayagarh district.....Complainant.

-Vrs-

1. Public Information Officer,
Forest and Environment Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority,
Forest and Environment Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Himansu Ranjan Mohanty is absent. The same cannot be condoned this time under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 in view of the previous order dated 26/02/09 seeking his presence. Guru Charan Samal, PIO, Bidyadhar Behera, APIO, Forest and Environment Department, Government of Orissa, Secretariat, Bhubaneswar, M.Gourinath, PIO and Prasanna Kumar Parida, Additional

Principal CCF, office of the Principal Chief Conservator of Forests, Orissa, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 20/05/06 and heard by the State Commission earlier on 01/08/06, 24/10/06, 31/01/07, 01/05/07, 06/07/07, 14/09/07, 18/01/08, 18/07/08 and 26/02/09.

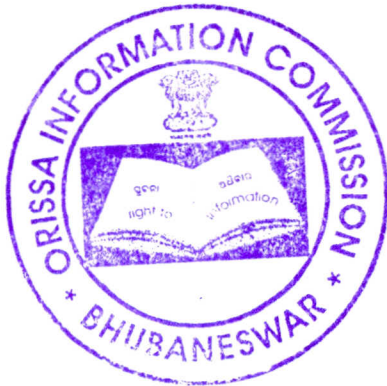
2. Complainant had filed form A application on 14/10/05 with the PIO , Forest and Environment Department, Government of Orissa, Secretariat, Bhubaneswar seeking copy of Government decision on amalgamation of Village Forest Workers (VFW for short) with the cadre of Foresters in file no.2F (N) 8/97. The PIO stated that the application was endorsed to FE-II Section on 20/10/05 to furnish the required information. The Dealing Assistant put up the file on 28/10/05 to the Section Officer stating that that the file containing the notesheets as sought by the Complainant was not traceable. On verification of file register of 1997 it had been found by the Dealing Assistant that the concerned file on the same subject was numbered 2 F (FM) 8/97 and not 2 FN 8/97 as indicated by the Complainant in form A application dated 14/10/05. The Complainant was accordingly informed on 01/12/05 that the file as indicated by him did not exist.
3. As the PIO, Forest and Environment Department had submitted on 31/01/07 that the information related file was not available in the Public Authority, the State Commission had directed him to reconstruct the file and facilitate the supply of information to the seeker. The Complainant was informed on 04/03/06 that he had given a wrong reference regarding file number for which the concerned record/files were not traceable. The Complainant amended the file number as 2 (FM) 8/97. It was held by the State Commission that the Complainant has no right to amend his request under the provision of Right to

Information Act, 2005. Therefore, non-response of the PIO cannot be held against him.


4. The State Commission accorded an opportunity to the Complainant to take part in the hearing of the case and to have his say. Despite notice by speed post he is absent. However, the Complainant if still desirous of the information has to file a fresh application under the RTI Act, 2005 giving proper reference.
5. In view of the above position, the opposite parties are exonerated with no orders on penalty and 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 27th day of
March, 2009




SCIC
27-3-09


SIC 27/3/09

TTM