

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 10th September, 2009

Complaint Case No.1027/2008

Hemanta Kumar Mahapatra,
At/PO-Kalapathar-754009,
PS-Baideswar,
Cuttack district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Assistant Soil Conservation Officer,
Athgarh,
Cuttack district.
2. First Appellate Authority,
Office of the Assistant Soil Conservation officer,
Athgarh,
Cuttack district.....Opposite Parties

Decision

1. Complainant Hemant Kumar Mohapatra is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Indramani Swain, Junior Soil Conservation Officer-cum-ex-PIO, office of the Assistant Soil Conservation Office, Athgarh and Manoj Kumar Pasayat, Junior Soil Conservation Officer, Athgarh are present. Heard. Perused the case record. This case arises out of complaint petition dated 22/07/08.



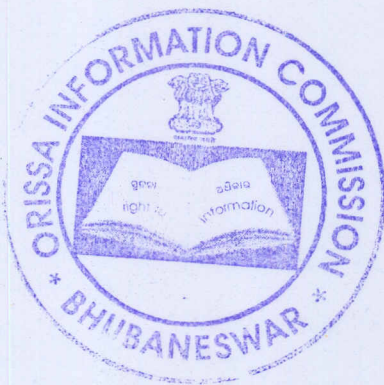
2. The Complainant had filed form A application with the PIO on 25/02/08 through a private courier service. He had sought information on repair of embankments, plantation etc. and expenditure incurred thereon. He had also filed an appeal before the First Appellate Authority alleging in-action of the PIO, within the maximum specified timeline.
3. The First Appellate Authority stated that they had received both the form A application and the appeal petition on 13/06/08 sent through Dolphin Courier Service. In this regard, he exhibited the envelop as a token of acknowledgement. The PIO stated that he had sought the assistance of the Kaligirinal Jala Bibhajika Committee to furnish the information to the Complainant. The Complainant could not prove that he had sent the form A application earlier.
4. The Complainant had admitted on 27/06/09 that he had received the response from the PIO vide letter no.760 dated 05/07/08 but alleged that the information furnished were found to be incomplete and incorrect. Accepting 13/06/08 as the date of first receipt of the RTI form A application, the reply was within time. In the meantime, he had received on 20/06/09 the balance information from the PIO, only after issue of notices from the State Commission.
5. As per the direction of the State Commission, the ex-PIO filed his showcause memorandum mentioning therein that the Complainant has already got his information without any objection on 20/06/09. The information given to the Complainant was complete and correct to the best of his knowledge and belief. The opposite party had no malafide intention

to cause delay in giving information and at present the Complainant had no grievance.

6. In consideration of the facts and circumstances of the case, the State Commission being convinced that there was no other pending issue relating to the matter, directed to close the case with no orders on penalty. Indramani Swain, ex-PIO, office of the Assistant Soil Conservation officer, Athgarh was exonerated. Inform the Complainant.


Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 10th day of September, 2009.




SCIC

10-9-09


SIC 10/9/09