

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR



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

Date: 3<sup>rd</sup> July, 2009

Complaint Case No. 107/2008

Biswajit Mohanty,  
C/o- B. Mohanty & Co.,  
Chartered Accountants,  
Link Road,  
Cuttack-753012 ..... Complainant

-Vrs-

1. Public Information Officer,  
Office of the Principal Chief Conservator of Forests,  
Aranya Bhawan, Chandrasekharapur,  
Bhubaneswar
2. First Appellate Authority,  
Office of the Principal Chief Conservator of Forests,  
Aranya Bhawan, Chandrasekharapur,  
Bhubaneswar ..... Opposite Parties

Decision

1. Complainant Biswajit Mohanty is absent. He had prayed vide fax message dated 03/07/09 for leave of absence. Prayer for leave was accepted. M. Gourinath, PIO-cum-CF (Planning), office of the Principal Chief Conservator of Forests, Orissa, Bhubaneswar is present. Heard him and perused the case record.
2. This case arises out of a complaint petition dated 15/01/08 and was earlier heard by the State Commission on 05/12/08 and 06/03/09.

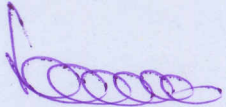
3. The Complainant had stated on 05/12/08 that he had filed form A application on 26/10/07 before the PIO, Forest and Environment Department, Government of Orissa, Secretariat, Bhubaneswar seeking information on policy governing transfer and posting of Range Officers and related issues. The application was transferred on 03/11/07 to the PIO, office of the PCCF under Section 6(3) of the RTI Act, 2006. The Complainant was informed on 08/11/07 that there was no set policy for transfer and posting of Range Officers and the Public Authority did not have such information.
4. Being aggrieved the Complainant filed an appeal before the First Appellate Authority on 17/12/07. The said Authority heard the appeal and furnished information on 18/12/07. The Complainant on 05/12/08 submitted that he is satisfied with the order of the First Appellate Authority but has filed the complaint on 15/01/08 for award of cost and imposition of fine for the avoidable delay.
5. The issue that remains to be adjudicated is the award of penalty under Section 20(1) and award of compensation under Section 19(8)(b). The Complainant pleaded during hearing on 05/12/08 to impose penalty for the avoidable delay in providing information. The records do not indicate any delay in the initial response as the transferee PIO of the office of PCCF, Orissa, Bhubaneswar had intimated him the prevailing position on 08/11/07, which was within time, by computing a period of 30 days from the date of receipt of the transferred RTI application.
6. Prayer for compensation by the Complainant was scrutinised under the relevant provision of the RTI Act, 2005 and rejected as it did not conform to the said provisions under Section 19(8) (b) of the RTI Act, 2005.

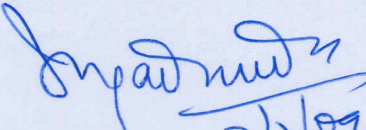
7. The State Commission considering all aspects of the case were of the considered opinion that no delay was evident. The State Commission did not also observe any malafide intention with the two PIOs and therefore exonerated them with no orders on penalty.
8. With the above observations the case is disposed of and closed. Inform the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 3<sup>rd</sup> day of July, 2009.



  
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