

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present : Shri Jagadananda, SIC

Date: 08th September, 2009

Complaint Case No. 1348 / 2007



Smriti Bardhan,
H-25/7, DLF City,
Phase-I,
Gurgaon-122002,
Haryana..... Complainant

-Vrs-

1. Public Information Officer,
Higher Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority,
Higher Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Smriti Bardhan is absent. Her absence is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Sarat Chandra Mohapatra, Deputy Secretary-cum-PIO and Saroj Kumar Nayak, Desk Officer, both of Higher Education Department, Secretariat are present. Heard. Perused the case record.

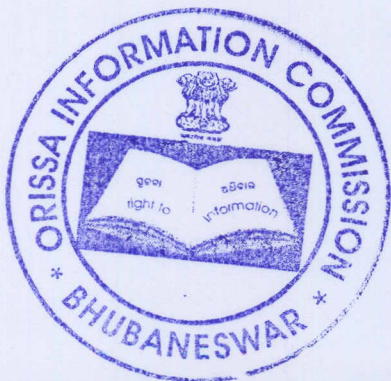
2. The case arises out of Complaint petition dated 27.08.07. It reveals from the record that the Complainant had filed form A application before the PIO on 14.03.07 seeking information relating to settlement of retirement benefits, pensionary dues, other entitlements and related issues thereof. The PIO vide letter no. 17256 dated 03.04.07 had intimated the Complainant that since the Complainant had gone on leave from 30.11.78 for post doctoral research work to North Western University and did not join in his previous service even after lapse of five years, the admissibility of pension can be determined only after taking a decision at the Government level.
3. Not satisfied with the response of the PIO, the Complainant filed appeal petition before the First Appellate Authority on 19.06.07. The appeal petition was rejected on 13.08.07 on the ground of non-deposition of the required court fee as per the provision of Sub-Rule-4 of Rule-7 of RTI Act, 2005. The same has been communicated vide memo no.32297 dated 14.08.07 to the Complainant.
4. As regards the delay in disposal of the first appeal petition, it has been clarified that due to change of incumbency of the Appellate Authorities and consequential orders thereof in the appointment of Goutam Kumar Das, ex-Special Secretary to Government, the appeal was disposed of on 13.08.07.
5. Being aggrieved with the order of the First Appellate Authority the Complainant filed Complaint petition before the State Commission on 27.08.07. The Complainant had raised a grievance issue pending before

the Government about sanction of leave and consequential decision related to superannuation and pension payment.

6. In his complaint petition, the Complainant had raised the issue of long delay in settlement of the pensionary dues since the date of superannuation i.e. 31/08/1998. The decision to determine the issue pending before the Government as furnished to the Complainant will defeat the purpose of the RTI Act enacted to create greater accountability. The head of the Public Authority i.e. Commissioner-cum-Secretary, Higher Education Department is directed to ensure early settlement of the issue within two months and report compliance through the Registrar.
7. On close examination of records it is observed that the initial response dated 03.04.07 falls within the stipulated time under Section 7(1) of the RTI Act and hence the PIO is exonerated with no orders on penalty.
8. Subject to compliance of the orders, the case is closed and disposed of.
Inform the Complainant

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 08th day of September, 2009.



Jyotirmoy
SIC 8/9/09