

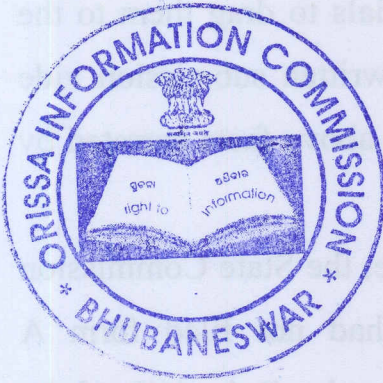
BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date 9th December, 2009

Complaint Case No.1395/2007



Bhagirathi Swain,
At/PO-Dhanitri,
Via-Konark,
Puri district.....Complainant

-Vrs-

Public Information Officer,
Office of the Block Development Officer
Kakatpur
Puri district.....Opposite Party

Decision

1. Complainant Bhagirathi Swain is absent. The same cannot be condoned today under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules,2006, as he has been specifically informed on 19.11.2009 by speedpost to remain present and have his say. Benudhar Sethi, PIO-cum-ABDO, office of the Block Development Officer,Kakatpur, Puri district is present. Heard. Perused the case record. This case arises out of complaint petition dated 14.09.09, and heard earlier on 13.11.09.
2. The documents on record reveal that the Complainant had filed form A application not as per the prescribed provisions and proforma under Rule 4(1) of Orissa Right to Information Rules,2005, but in a plain paper before the PIO, office of the Block Development Officer, Kakatpur, Puri district.
3. The PIO had submitted a written memorandum dated 13.11.09 to the State Commission. The same was perused and taken to record. The PIO had averred that the Complainant came to his office with an application in a plain paper seeking information and demanding the same to be perused immediately.

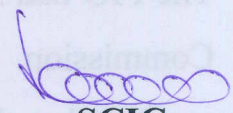
As he was busy with other works allotted to him by the BDO, Kakatpur, he informed the Complainant his inability to immediately attend to his query. Then both the Complainant and PIO proceeded to the BDO's office where the latter suggested to the Complainant to apply for information in the prescribed proforma as per RTI Act,2005 and Orissa RTI Rules,2005. It seemed the Complainant threatened both the officials to drag them to the State Commission. The BDO on 13.11.09 in his written submission vide letter no.1587 dated 12.11.07 had corroborated the above facts narrated by the PIO before the State Commission on 13.11.09.

4. From the above facts and circumstances of the case, the State Commission were of the opinion that as the Complainant had not filed form A application as per the proforma prescribed form under Rule 4(1) of the Orissa RTI Rules,2005, the same was legally non-existent under the Act.
5. However, to meet the ends of justice, the State Commission basing on the unilateral submissions of the PIO had accorded another opportunity to the Complainant to take part today in the hearing of the case and justify his locus standi in the case. Despite notice dated 19.11.09 he is absent. Presumably the facts stated by the PIO are correct or the PIO has not erred in law. Hence the case is disposed of and closed. The BDO and PIO were, however, advised to cordially treat all requesters of information. Inform the petitioner.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 9th day of December, 2009.




SCIC
9.12.09