

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

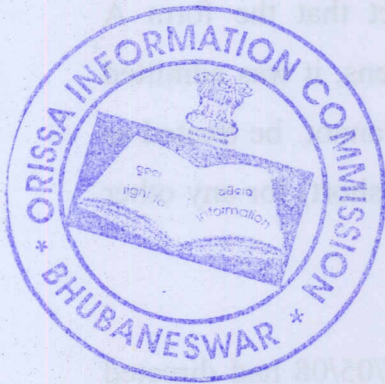
Date: 21st August, 2009

Complaint Case No.1405/2007

Gopal Charan Das
Secretary,
Citizen's Apex Association,
59, Forest Park,
Bhubaneswar-751009.....Complainant

-Vrs-

Public Information Officer,
General Administration Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Party



Decision

1. Complainant Gopal Charan Das is present. Akshaya Kumar Mohanty, PIO-cum- Deputy Director of Estates, Debashis Mohanty , ex-ASO (currently ASO, Commerce and Transport Department) and Kamal Kumar Das, ex-Desk Officer all of General Administration Department are also present. Heard. Perused the case record. This case arises out of complaint petition dated 13/09/07 filed by Complainant, Gopal Chandra Das and heard by the State Commission earlier on 07/05/08, 29/08/08, 05/12/08, 10/02/09, 18/03/09 and 09/07/09.
2. Nalinikanta Panda had sought in form A application dated 13/07/07 from the PIO, General Administration Department details of utilization of land

allotted by the State Government to the Utkal University. The PIO had submitted on 07/05/08 that form A application dated 13/07/07 had been filed by Nalinikanta Panda. PIO intimated him vide letter no.644 dated 16/08/07 that no such information was available in the General Administration Department, Government of Orissa, Secretariat, Bhubaneswar. While Nalinikanta Panda had filed the form A application as the President, Citizens Apex Association, Bhubaneswar, the complaint was preferred on 13/09/07 by Gopal Chandra Das before the State Commission on behalf of the Citizen's Apex Association by virtue of being the Secretary of the Association. Although the appeal suffered from a grievous and incurable defect by way of the fact that the form A applicant and the Complainant are two different citizens, it was admitted being a public interest case. However, the complaint cannot be treated as valid under Section 18 of the RTI Act, 2005 (Act for short) for any other legal action.

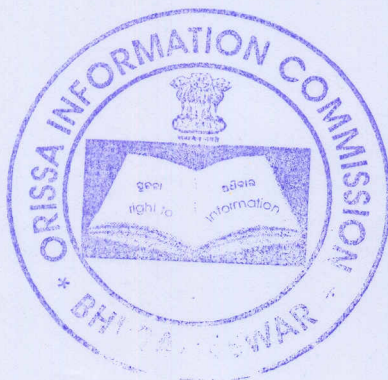
3. The State Commission after hearing the parties on 07/05/08 had directed the PIO to provide the information to the Complainant, free of cost, by 06/06/08 and report compliance.
4. The PIO on 29/08/08 had mentioned that in obedience to the orders of the State Commission part information as available with them on records were supplied on 24/05/08 to the Complainant and for the balance information assistance was sought from Utkal University. On receipt of information from them, the same was provided on 13/06/08, free of cost, to the Complainant.
5. The Complainant present today stated that, it was a matter of great regret that the PIO had informed him that required information was not available


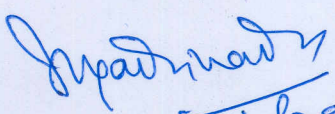
in the Land Branch of General Administration, which is supposed to be legally the custodian of all information relating to government land details in Bhubaneswar

6. The State Commission, while deprecating such act of the PIO, directed the Director, Estates, GA Department that when such type of information are sought he may seek the assistance of other officials under Section 5 (4) of the Act, transfer the application under Section 6 (3) of the Act to the concerned Public Authority or he may convene a meeting with the staff and provide the information to the Complainant (s) as per Section 7 (1) of the Act.
7. However, in the present matter, as the petition was not a valid complaint, the officials of the Public Authority were exonerated, as Section 20 (1) of the Act does not get attracted and the case is disposed of and closed. Inform the Applicant and the Complainant to take full advantage of the RTI Act, 2005 in terms of the legal provisions *ibid* and the Orissa RTI Rules, 2005.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 21st day of August, 2009.




SCIC
21.8.09

SIC 21/8/09