

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 3rd August, 2009

Complaint Case No.150/07

Siba Prasad Mishra
Vill/Ward-Patapur Sasan,
GP-Arikama,
PS-Bolgarh
Khurda District.....Complainant

-Vrs-

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

Decision

1. Complainant Siba Prasad Mishra is absent. The same is condoned under Rule 9(2) of Orissa Information Commission (Appeal Procedure) Rules, 2006. Radha Kanta Pani, ex- Additional Secretary, Batakrishna Bal, PIO-cum-Joint Secretary, Madhabananda Das, Section Officer and APIO and Ranjuk Ranjan Das, ex- Senior Assistant, all of the Panchayati Raj Department, Government of Orissa, Bhubaneswar are present. Heard and perused the case record. This case arises out of the complaint petition dated 1.6.2007.
2. The case has been heard on several occasions viz. 4.5.2007, 3.8.2007, 10.2007, 11.3.2008, 9.9.2008, 13.1.2009, 4.3.2009 and 6.5.2009. It reveals from the documents on record that the form A application dated 16.11.2006 of the Complainant was received on 27.11.06 by the PIO, Panchayati Raj Department,



Government of Orissa, Secretariat, Bhubaneswar (PR Department for short). Information were furnished to the Complainant in two lots, that is, on 18.4.2007 and 26.5.2007. As regards the delay in this case, during the hearing on 03.0.08 it was observed by the State Commission that the Law Officer of the Department was responsible since the related file was with him from 5.12.2006 to 27.2.2007. Rabindra Kumar Ray, Law Officer had clarified on 29.08.08 that the relevant, received by him on 27.2.2007, was disposed of the same day. The file movement record of the Department was produced before the State Commission. On scrutiny, it appeared that the Law officer was not responsible for the delay in the instant case. Consequently, he was exonerated. The PIO was directed to showcause as to the reason for the delay in dealing with this case .

3. In obedience to the above direction of the State Commission the PIO submitted that Radha Kanta Pani, ex-PIO, who is currently Additional Secretary, Commerce and Transport Department, Government of Orissa, Secretariat, Bhubaneswar was responsible for the delay in furnishing the information to the Complainant as the same had occurred during his incumbency .As it appears, the ex-PIO had marked the file to Ranjuk Ranjan Das, Senior Assistant, to supply the information. The latter was equally responsible for the delay.
4. In view of the above position Radha Kanta Pani, ex-PIO (currently Addl. Secretary, C&T Department) and Ranjuk Ranjan Das, Senior Assistant, (retired) P.R. Department were directed on 07.05.09 to appear today of hearing.
5. In obedience to the above orders of the State Commission Ranjuk Ranjan Das, Senior Assistant (retired) appeared today and mentioned that on receipt of the concerned file immediate steps were taken by him to locate the file of the section for supply of the information. But unfortunately the said file could not be readily traced as the concerned file related to the year 2001. He pleaded that the work for the Elections-2007 to the Panchayati Raj Institution, had started which also had to be completed within strict time frames. He submitted the chronological event history for the PRI elections- 2007. He further submitted that soon after he was relieved of the burden of election work, a vigorous search was made and the file recovered on 26.02.2007 from the room where the old files of different sections have been unsystematically piled up.

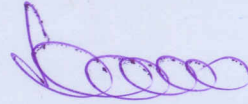
The information required by the applicant was sent to the L & RT (i) Section for despatch to the Complainant. There was no delay at the level of Radha Kanta Pani, ex-PIO.

6. However, Ranjuk Ranjan Das mentioned that the delay caused in dealing with the L & R.T (i) file by him was not intentional, deliberate, malafide or due to negligence, but due to the difficulties stated above and task assigned to him in connection with PRI elections-2007. In view of the facts mentioned above, he prayed before the State Commission to appreciate the difficulties and condone the delay. Radha Kanta Pani present during the hearing confirmed that Ranjuk Ranjan Das was one of the Assistants working in the Section and was associated with the PRI elections -2007.
7. However, the PIO mentioned that all required information had been supplied to the Complainant, free of cost, and there was no malafide intention to harass or deny him the information. The delay, he submitted was circumstantial and not intentional.
8. After hearing the parties and perusal of all relevant documents, the State Commission were convinced that there was no malafides in handling the request of the Complainant. The State Commission also observed that the delay was not intentional but circumstantial and the information need of the Complainant had been fulfilled, which had been supplied, free of cost.
9. For the reasons aforesaid, the State Commission were of the opinion that there was no need to prolong this case any longer. The same is, therefore, disposed of and closed with no orders of penalty. Ranjuk Ranjan Das, Senior Assistant (retired)-cum- the referred PIO and Radha Kanta Pani, ex-PIO were exonerated. Inform the Complainant.

Pronounced in open Proceedings

Given under the hand and seal of the State Commission, this 3rd day of August, 2009.




SCIC
3-8-09