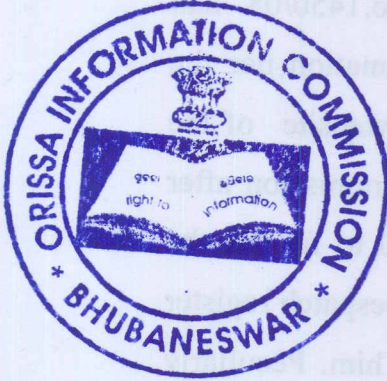


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR.

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

Dated:-13th November, 2009

Complaint Cases No.1704/2008



Nasim Ahmed Shah Ansari,
At-Anasara,
PO-Dhanitri,
Via-Konark,
Puri districtComplainant

Vrs.

Public Information Officer,
Orissa Legislative Assembly Secretariat,
Bhubaneswar..... Opposite Party

Decision

1. The Complainant Naseem Ahmed Shah Ansari is absent. His absence is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Anil Chandra Patnaik, PIO-cum-Under Secretary, Orissa Legislative Assembly, Bhubaneswar is present. Heard. Perused the case record. This case arises out of complaint petition dated 15/12/08.
2. The Complainant had filed form A application dated 30/07/08 with the PIO, Parliamentary Affairs Department, Government of Orissa, Bhubaneswar (received on 31/07/08 at 5 PM) seeking information on 4 items regarding the functioning of the Legislative Assembly and related issues thereof. On receipt of the application and on scrutiny, the PIO transferred the application under Section 6 (3) of the RTI Act, 2005 to the PIO, Orissa Legislative Assembly Secretariat, Bhubaneswar (Assembly Secretariat for short) vide letter no.5300 dated 06/08/08.

3. The PIO, Assembly Secretariat informed the Complainant vide letter no.10571 dated 27/08/08 that available information was in the website of Orissa Legislative Assembly and he may log on to ori.nic.in /orissa assembly for the said information.
4. The Complainant in a connected complaint case vide CC.no.1450/08 had alleged on 12/08/09 that he had neither received any information nor the clarification letter in question advising him to refer to the website of the Assembly Secretariat. In that Complaint Case the State Commission after hearing both the parties on 12/08/09, had directed the PIO to furnish the requested information immediately and produce the Issue/ Despatch register as corroboratory evidence, as the burden of proof lay with him. Peculiarly the information sought in this Complaint Case (vide form A application dated 30/07/08) is same as sought in Complaint Case no.1450/2008 (the copy of the decision is available in this record enclosed as Annexure-1 to the written memorandum filed by the PIO on 10/11/09). In that case the PIO, Assembly Secretariat had produced the Issue Register wherein it was seen that letter no.10571 dated 27/08/08 was sent to the Complainant by ordinary post. The PIO had further stated that in obedience to the orders of the State Commission he had provided on 12/08/09 information to the Complainant, free of cost. Copies of the relevant portion of Issue/Despatch register were taken to record.
5. The PIO, Anil Chandra Patnaik in his written memorandum dated 10/11/09 submitted that the present complaint case and disposed of Complaint Case 1450/08 relate to the same and identical request. The same was borne out by documents on record.
6. In view of the observations supra it is amply clear that the PIO had responded to the request of the Complainant within the maximum time limit as prescribed under Section 7 (1) of the RTI Act, 2005. Hence, the PIO was

exonerated with no orders on penalty and the case is disposed of and closed.
Inform the Complainant.

7. While parting with the case, the State Commission would like to record that the Complainant should not be making repetitive and identical form A applications consuming precious time of the officers which could otherwise be used for more important public duties including attending to RTI applications, but on different subject matters/issues.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 13th day of
November, 2009.




SCIC
13.11.09