

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

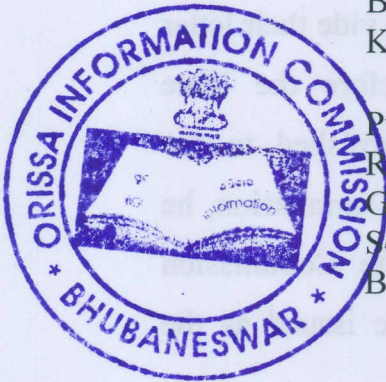
Date 25th August, 2009

Complaint Case No.185 / 2008

Nishikanta Mohapatra,
Qr.No-LIG-744, K-4,
Kalinga Nagar,
Patrapada
Bhubaneswar-751019
Khurda District.....Complainant

- Vrs-

Public Information Officer,
Revenue and Disaster Management Department
Government of Orissa
Secretariat,
Bhubaneswar..... Opposite Party



Decision

1. Complainant Nishikanta Mohapatra is absent on call. The same is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Pradipta Kumar Sahani, Under Secretary-cum- PIO, Revenue and Disaster Management Department, Government of Orissa, Secretariat, Bhubaneswar is present. Heard and perused the case record. This case arises out of the complaint petition dated 2.2.2008.
2. The case was earlier heard on 19.5.2009. The Complainant had sought information in form A application dated 29.12.2007 from the PIO, Revenue and Disaster Management Department, Government of Orissa, Secretariat, Bhubaneswar relating to the recruitment of OAS Class-II Officers, the selection procedures followed during 1997 and 1998 etc. The PIO mentioned that though they had furnished on 31.01.08 permissible information to the Complainant as per his form A application, due to confidentiality concerns, they could not provide information on the items I, III and IV.
3. On scrutiny of the information on 19.05.09 the State Commission being convinced that there was no confidentiality involved as the selection and

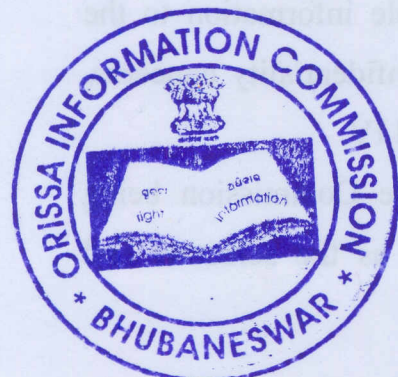
recruitment were long over directed to provide the broadsheet with the recommendation letters to the Complainant, free of cost, by 18.06.2009.

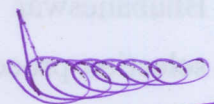
4. In obedience to the above directions of the State Commission , the PIO-cum-Under Secretary , Revenue and Disaster Management Department submitted today that after obtaining the consent of the third party viz Chandra Sekhar Mohanty, they intimated the Complainant vide their letter no.24790 dated 19.6.2009 to deposit a sum of Rs.180/- for the cost of photocopies of the information. Though the Complainant did not deposit the same, they furnished the required information, free of cost, to him by registered post vide their letter no. 26966 dated 6.7.2009. However, the PIO prayed before the State Commission that as the information had already been furnished to the Complainant, free of cost, as per kind direction of the State Commission, he may be exonerated from the charges of penalty. The State Commission observed that the letter to deposit Rs.180/- should not have issued as the maximum stipulated time period had elapsed.

5. In consideration of the facts and circumstances of the case, the State Commission being convinced that there was no malafides noticed or any other pending issue relating to the matter, directed to close the case with no orders on penalty. The Under Secretary-cum- PIO, Revenue and Disaster Management Department is exonerated. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 25th day of August, 2009 .




SCIC
25.8.09