

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 23rd October, 2009

Complaint Case No.248/2007

Rohit Kumar Pradhan,
Qrs No.F-25, Jyoti Vihar,
Burla-768019,
Sambalpur district.....Complainant

-Vrs-

Public Information Officer,
VSS Medical College,
Burla-768019,
Sambalpur district.....Opposite Party



Decision

1. Complainant Rohit Kumar Pradhan is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Heramba Kumar Mahapatra, PIO-cum-Office Superintendent and Akshaya Kumar Bhoi, ex-Medical Record Keeper both of the VSS Medical College, Burla, Sambalpur district are present. Heard. Perused the case record. The instant matter arises out of complaint petition dated 29/01/07. The case was earlier heard six times, the last being on 04/09/09, when it was informed by Ashok Kumar Das, the then PIO through a memorandum dated 04/09/09 that all the required information had been supplied on 15/01/09 to the Complainant.

In order to establish the delay, notice was issued to the opposite parties to explain the reasons of delay and produce the relevant records /files.

2. The Complainant filed form A application dated 8/12/06 requesting information on the death of his nephew Khirod Pradhan in terms of the investigation report and reasons for the death. The application was received by Akshaya Kumar Bhoi on 29/12/06. The Complainant while submitting the form A application had simultaneously moved the Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar and DMET, Orissa, Bhubaneswar through a grievance petition on the same request. This resulted in the medical authorities in Burla intimating the necessary information to the Health and Family Welfare Department and DMET, Orissa, Bhubaneswar vide letter no. 905-906 dated 27/01/07 but the Complainant was not informed of the developments as per the RTI application. This was a big fault. But that the Complainant was communicated the required information vide letter no.1308/MCH dated 05/02/07 by the Superintendent of MCH, Burla which was received by the Complainant on 08/02/07, was established during the hearing on 04/09/09.

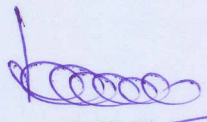
3. Regarding the delay of seven days the State Commission did not notice any malafide and since a high level inquiry by the Government of Orissa was conducted at the same time on the same issue and authentic information supplied thereafter, the State Commission were of the opinion that the marginal delay is condonable. It was ordered as such and the case disposed of and closed without any orders of penalty. Both H.K.Pradhan and Akshaya Kumar Bhoi were exonerated.

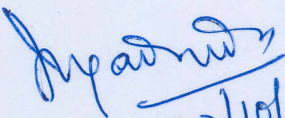
4. While parting with the case, the State Commission desired that the Principal of the Medical College and the Superintendent of the Hospital concerned ensure RTI compatibility. Inform the Appellant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 23rd day of October, 2009.




SCIC
23.10.09


SIC 23/10/09