

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Shri Jagadananda, SIC**

**Date: 17<sup>th</sup> July, 2009**

**Complaint Case No.413/2008**

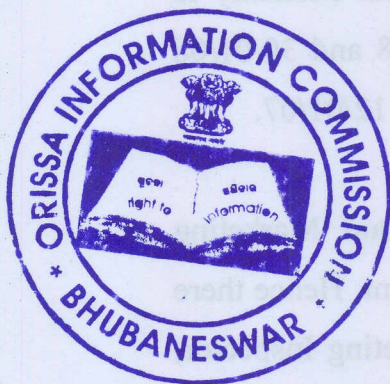
Ramakanta Dangua,  
At/PO-Basudevpur-756125,  
Bhadrak district.....Complainant

**-Vrs-**

Public Information Officer,  
Basudevpur Block,  
Basudevpur,  
Bhadraki district.....Opposite Party

**Decision**

1. Complainant Ramakanta Dangua is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Sishir Kumar Puhan, ex-PIO, Laxmidhar Behera, PIO and Dillip Kumar Mohanty, Marketing Inspector, all of the Basudevpur Block, Bhadrak district are present. Heard. Perused the case record. This case arises out of complaint petition dated 26/03/08 (received on 29/03/08) and heard by the State Commission earlier on 20/01/09 and 09/04/09.



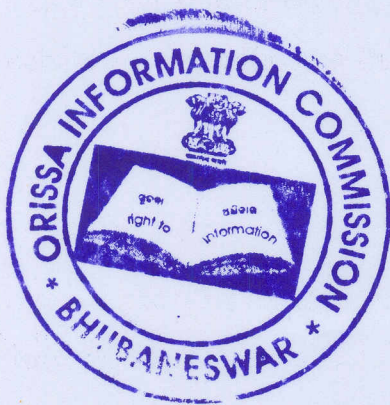
2. The Complainant had sought information in form A application dated 13/12/07 from the PIO, Basudevpur Panchayat Samiti (Block) under Bhadrak district regarding distribution of rice to BPL cardholders and related issues. On 20/01/09, Manoj Kumar Pradhan VLW authorized by BDO, Basudevpur Block, had stated that the information had been furnished on 14/03/08 to the Complainant. He was directed to furnish a chronological datechart. From the chronological date chart it was seen that form A application was received on 13/12/07. Thereafter the PIO had sought the assistance of Marketing Inspector, Dillip Kumar Mohanty to supply the information followed by reminders on 10/01/08 and 30/01/08 though the limitation for supply of information expired on 12/01/07.
3. After receipt on 14/03/08 the information from the said Marketing Inspector, it was dispatched the same day to the Complainant. Hence there was prima-facie delay of 61 days. The presence of Marketing Inspector, Dillip Kumar Mohanty was procured by the State Commission to explain the delay. He stated that being overburdened due to paddy procurement activities and panchayat election work, which were both timebound, he could not attend to the file on time. When clarified to him that this explanation was not acceptable under the RTI Act, 2005, he had no further defence to offer. He admitted to the delay. Hence considering all aspects of the case the State Commission decided to impose a penalty of Rs.14,500/- on Dillip Kumar Mohanty, Marketing Inspector, Basudevpur Block, Bhadrak district for the delay of 58 days ( after deducting 3 days as per the provisions under the Orissa Records Manual). He is directed to deposit the penalty amount in Government Treasury under Head "0070-other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees


and Fines under Right to Information Act, 2005” within 30 days of receipt of this order failing which the penalty amount shall be recovered from him under Rules 9 and 13 of the Orissa Right to Information Rules, 2005 by the present Public Authority, where he is serving. The fact of full recovery will be reported by the PIO to the Secretary, Orissa Information Commission, Bhubaneswar for record.

4. With the above direction, the case is disposed of and closed. Inform all concerned including the Public Authority and the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 17<sup>th</sup> day of July, 2009.



  
SEIC  
17-7-09  
SIC 17/7/09