

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 28th Agust, 2009

Complaint Case No.419/2006

Banamali Satapatthy
Junior Clerk,
Umerkote Tahasil
Nawarangpur district.....Complainant

-Vrs-

1. Public Information Officer,
Nawarangpur Collectorate,
Nawarangpur district
2. First Appellate Authority,
Nawarangpur Collectorate,
Nawarangpur district.....Opposite Parties

Decision

1. Complainant Banamali Satapatthy is absent. The same cannot be condoned today under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 because the State Commission has been specifically requiring his personal appearance since 05/03/09 but he has repeatedly defaulted without any prayer. Abhimanyu Majhi, PIO-cum-Deputy Collector, Nawarangpur Collectorate is present. Heard. Perused the case record. This case arises out of complaint petition dated 25/11/06.
2. The case was earlier heard on 08/05/07, 22/08/07, 29/11/07, 16/05/08 and 30/09/08, 22/01/09 and 21/05/09. In form A application dated 06/09/06, the Complainant had sought voluminous information relating to 17 items.



He had alleged in his complaint petition filed with the State Commission that he had not received information from the PIO within the time stipulated under Section 7 (1) of the RTI Act, 2005 (Act for short). The State Commission upon hearing the case on the previous dates had directed the referred PIOs to remain present today. The PIO and the referred PIOs submitted their respective showcause memorandum. An objection had been taken by the PIO that the Complainant had not submitted any document to prove his identity for which his case deserved no consideration. His application had not been processed due to the legal infirmity of his application.

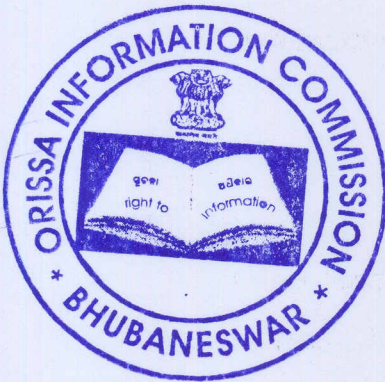
3. The Complainant had alleged in his complaint petition that as he received no response from the PIO, he preferred an appeal on 16/10/06 before the First Appellate Authority who also did not dispose of the appeal. With the intervention of the State Commission, the required information were supplied to the Complainant, free of cost, vide letter no.621 dated 28/08/07 despite the fact that the form A application was legally invalid. The same was intimated to the State Commission in letter no.622 of even date vide report of Sub-Collector dated 16/05/08. Therefore, the Complainant was accorded with another opportunity to appear today and prove that he had submitted any identity document along with form A application dated 06/09/06. The Complainant has not responded to the State Commission also.
4. The Complainant filed a petition on 04/01/09 claiming for compensation of Rs.5000/-. Since the Complainant's initial complaint in form A was defective and the same was liable for rejection ab-initio, his claim for compensation was held as not maintainable.
5. Since the State Commission had given him ample opportunity to remove the defect, that is about his identity as a citizen, but he neither appeared

personally nor produced his identity since 05/03/09, so a wrong-doer cannot claim compensation. Thus the said claim is rejected.

6. The Complainant is absent today also despite notice dated 20/07/09. Hence the case is disposed of and closed as he has received, free of cost, all information vide letter no.621 dated 28/08/07. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 28th day of August, 2009.



~~SCIC~~
28.8.09
SIC

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