

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

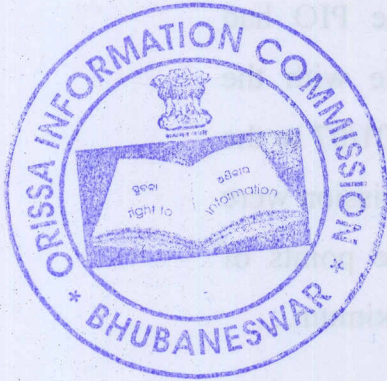
Date: 4th September, 2009

Complaint Case No.42/2007

Prakash Chandra Baliarsingh Mahapatra,
Vill-Durgeswar,
Via-Nuapalamhat,
PO-Baharana-752120,
Puri district.....Complainant

-Vrs-

Public Information Officer,
Panchayati Raj Department,
Government of Orissa,
Bhubaneswar.....Opposite Party



Decision

1. Complainant Prakash Chandra Baliarsingh Mahapatra is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Sharat Kumar Mohapatra, Assistant Section Officer, Panchayati Raj Department is present. Heard him. Perused the case record. This case arises out of complaint petition dated 13/01/07 and heard by the State Commission earlier on 05/09/07, 09/01/08, 07/03/08, 22/05/09 and 06/08/09.
2. The Complainant had sought, in form A application dated 13/12/06 from the PIO, Panchayati Raj Department, Government of Orissa , Secretariat, Bhubaneswar information on the appointment of Anganwadi workers at Dhuliathenga Centre of Desthali Gram Panchayat in Gop Block, Puri district.

3. The PIO had mentioned on 05/09/07 that he received the application of the Complainant on 15/12/06. As the matter related to Women and Child Development Department, Government of Orissa the application was transferred under Section 6 (3) to that Department vide letter no.441 dated 06/01/07 under intimation to the Complainant. He further mentioned that it had been reported by the PIO, Women and Child Development Department that the RTI application of the Complainant had been further transferred under Section 6 (3) to the PIO, office of the District Social Welfare Officer, Puri Collectorate vide letter no.2575 dated 08/02/07 under intimation to the Complainant. The PIO had clarified on 05/09/07 that the information available with the Panchayati Raj Department had been supplied on 20/01/07 to the Complainant. There was a delay here. The State Commission were also unhappy with the delayed transfers at both the points of action, which should have been done within 5 days maximum.
4. After hearing the parties on 05/09/07, the State Commission were of the view that there has been a delay of 5 days at the level of Panchayati Raj Department in providing information taking into account the two intervening transfers. Accordingly, the PIO was directed to explain the delay of 5 days. On 09/01/08, the PIO stated that the delay was caused by Senior Assistant, Sharat Kumar Mohapatra, Assistant Section Officer. Accordingly, presence of Sharat Kumar Mohapatra was procured by the State Commission on 06/08/09.
5. Referred PIO, Sharat Kumar Mahapatra stated that he was on earned leave from 06/12/06 to 23/12/06. Though he had rejoined on 26/12/06, he proceeded on casual leave from 27/12/06 to 30/12/06 due to illness of his mother. To corroborate his stand he submitted a copy of earned leave sanction order but could not

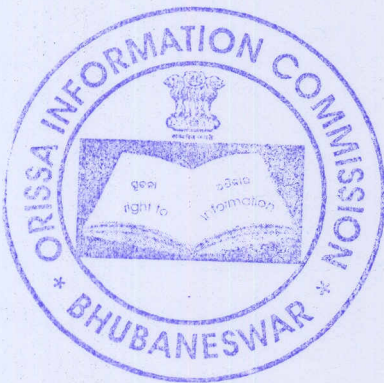
produce the copy of C.L. permission or any other supporting evidence. He is accorded another opportunity to explain the delay on the next date of hearing under the principles of natural justice.


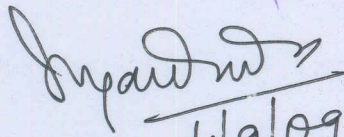
6. Today he submitted an affidavit dated 02/09/09 duly sworn in by him stating therein that he had availed 4 days C.L. from 27/12/06 to 30/12/06 due to illness of his mother. The same was perused and taken to record.

7. After hearing him, the State Commission being convinced that there was no malafide intention with him. Therefore, Sharat Kumar Mahapatra, Assistant Section Officer was exonerated and the case disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 4th
day of September, 2009.




SCIC
4.9.09

SIC 4/9/09