

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

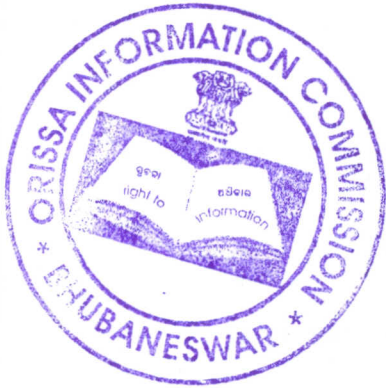
Date: 6th March, 2009

Complaint Case No. 436/2007

Biswajit Mohanty, FCA
C/o-M/s. B. Mohanty and Company,
Chartered Accountant,
Link Road,
Cuttack-75312.....Complainant

-Vrs-

Public Information Officer,
Orissa Forest Development Corporation Ltd.,
Unit-III, Kharvela Nagar,
Bhubaneswar.....Opposite Party



Decision

1. Complainant Biswajit Mohanty is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Maheswar Pradhan, PIO, Orissa Forest Development Corporation Limited, Bhubaneswar (OFDC Ltd.) is present. Heard. Perused the case record.
2. This case arises out of complaint petition dated 04/04/07 and heard by the State Commission on 06/11/07, 11/04/08, 24/10/08 and 27/11/08.
3. Form A application dated 21/02/07 was received by the PIO on 24/02/07. The Complainant had submitted that he did not receive any response from

the PIO within the stipulated period and hence he approached the State Commission on 05/04/07.

4. The PIO in a written statement had mentioned that in response to form A application dated 21/02/07, the Complainant was informed vide letter no. 7545 dated 04/04/07 to deposit a sum of Rs.8/- towards cost of information. In response to this letter the Complainant intimated the PIO vide his letter dated 11/04/07 that he should not have been asked to deposit Rs.8/- since the stipulated period was over and he had already approached the State Commission for relief.
5. The State Commission also took the view that there was no reason why the PIO should have asked the Complainant to deposit Rs.8/- after the stipulated period was over. The PIO had submitted that, in the meantime, information has been supplied, free of cost, to the Complainant vide letter no.10753 dated 18/05/07 which was confirmed by the latter.
6. As regards the delay, the PIO had stated on 24/10/08 that the same occurred at the level of N.Maharatha, Upper Division Assistant who had since retired from service on attaining the age of superannuation. It was clarified to the PIO, that demitting office for whatever reason, including retirement does not absolve the guilty officer of any responsibility nor abate the case except in the case of death.
7. Notice dated 12/11/08 was issued to N. Maharatha, ex- Upper Division Assistant to appear before the State Commission and explain the delay. Despite notice he was found absent on 27/11/08. Once again notice was sent to him by speedpost on 27/01/09. The PIO, OFDC mentioned that they had also intimated him of the hearing date. Even then he was absent today

8. After consideration of the above facts and circumstances of the case, the State Commission have no option than to press into service the provisions of Section 20(1) of the RTI Act, 2005 and impose a penalty of Rs.2500/- (Rupees Two thousand Five hundred only) for 10 days delay on N.Maharatha, ex-Upper Division Assistant of OFDC. He is directed to deposit the said amount in 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 same will be recovered by the Public Authority, where he last served under Rule 13 of the Orissa Right to Information Rules, 2005. Inform the referred PIO at the address given below.


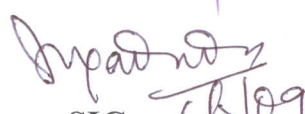
N.Maharatha,
Ex-Upper Division Assistant, OFDC,
Holding No.138 (near Maa Mangala Store),
Bargarh,
Bhubaneswar.

9. Inform the Public Authority. With these orders the case is disposed of and closed. Inform the Complainant and all others as concerned..

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 6th day of March, 2009.




SCIC
6.3.09

SIC 6/3/09