

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 23<sup>rd</sup> July, 2009

Complaint Case No.445/2007  
with  
Complaint Case No.447/2007

Himansu Ranjan Mohanty,  
At-Forest Range Office,  
PO-Khandapara,  
Nayagarh district.....Complainant

-Vrs-

1. Public Information Officer,  
Office of the Principal Chief Conservator of  
Forests, Orissa,  
Chandrasekharpur,  
Bhubaneswar
2. First Appellate Authority,  
Office of the Principal Chief Conservator of  
Forests, Orissa,  
Chandrasekharpur,  
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Himansu Ranjan Mohanty is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. M.Gourinath, PIO, Rabinarayan Rath, Section Officer and Dwarikanath Jena, ex-Establishment Officer (retd.), office of the Principal Chief Conservator of Forests, Orissa,



Bhubaneswar (PCCF for short) are present. Heard. Perused the case record. This case arises out of complaint petition dated 03/04/07 and heard by the State Commission earlier on 08/02/08, 25/07/08, 11/11/08, 27/02/09 and 07/05/09.

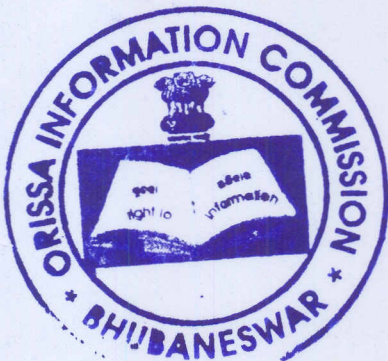
2. The Complainant had sought information in form A application dated 08/09/06 from the PIO, office of the PCCF, Bhubaneswar on 3 points regarding copy of gradation list of Forest Ranger etc. On 08/02/08. M.Gourinath, PIO had submitted a chronological event chart indicating the movement of the RTI application of the Complainant filed on 08/09/06 sent by post and received by the PIO of the Public Authority on 11/09/06. The information was supplied to the Complainant on 07/05/07. The huge delay was apparent.
3. On 11/11/08, the State Commission had designated the PCCF, Orissa as an Authorized Officer under Rule 7 (1) (c ) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006 to enquire into the matter of delay in his office and report compliance to the State Commission through the Registrar. In obedience to the orders of the State Commission, PCCF, Orissa submitted his report vide letter no. 6394 dated 29/04/09. In his report he has observed that 45 days of delay was caused at the level of Rabinarayan Rath in Complainant Case No.445/2007 and Complaint Case No.447/2007. Accordingly, the presence of Rabinarayan Rath was procured by the State Commission as the burden of proof lay with him to discharge existence of bonafides, if any. Rabinarayan Rath stated today that several RTI applications of the Complainant Himansu Ranjan Mohanty were earlier dealt with in one file as per the practice in the initial stage of the RTI Act. Therefore, he was unable to supply the information in these cases as the file was held up in connection with


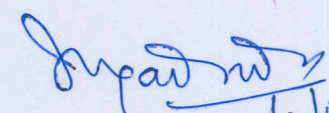
supply of information on some other RTI applications of the same Complainant. For these lapses he stated that had been penalized Rs. 8,750/- by the State Commission vide orders dated 30/01/09 passed in Complaint Case No. 468/2007.

4. The State Commission in order to avoid double jeopardy exonerated Rabinarayan Rath and accordingly the case is disposed of and closed. Inform the Complainant.
5. The PIO and the other officials present were reminded of the earlier direction of the State Commission that each RTI form A application should be dealt with in a separate file/folder for proper tracking of requests, timely disposal and tagging with appeal petitions, if any.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 23<sup>rd</sup> day of July, 2009.



  
SCIC  
23.7.09  
  
SIC 23/7/09