

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Shri Jagadananda, SIC

Date: 17th July, 2009

Complaint Case No.496/2007

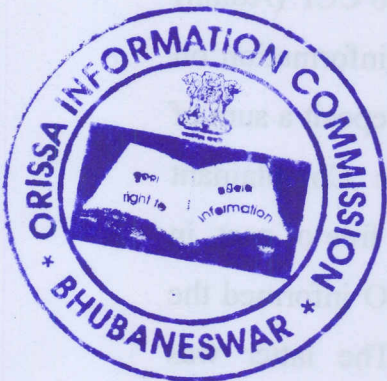
Sudhansu Pattnaik,
N-5/443,IRC Village,
Nayapalli,
Bhubaneswar-751015.....Complainant

-Vrs-

Public Information Officer,
Office of the Principal Chief Conservator of
Forests, Orissa,
Aranya Bhawan,
Chandrasekharapur,
Bhubaneswar-751023.....Opposite Party

Decision

1. Complainant Sudhansu Pattnaik is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. P.K.Dalasinghray, Statistical Assistant on behalf of PIO and Prasanna Kumar Parida, ex CCF (Admn) (currently Additional Principal Chief Conservator of Forests), office of the Principal Chief Conservator of Forests, Orissa, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 21/04/07 and heard by the State Commission earlier on 18/12/07, 26/08/08, 13/03/09, 10/04/09 and 29/05/09.



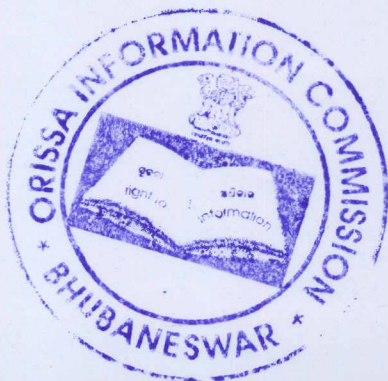
2. The Complainant had sought information in form A application dated 17/02/07 from the PIO, office of the Principal Chief Conservator of Forests, Orissa, Bhubaneswar on 3 points relating to service condition of the Village Forest Workers (VFWs for short) who had submitted their option/willingness to be deployed in the JBIC Project Division and other allied matters. After receiving the application on 17/02/07, the PIO had forwarded the application to the Chief Conservator of Forests (Admn) with a request to supply the information, followed by reminders dated 02/03/07, 30/03/07 and 28/04/07. Soon after receipt on 04/05/07 of notice from the State Commission in this case a reminder was again issued to CCF (Admn) by PIO to provide the information. The PIO received the information on 15/05/07. The then PIO had requested the Complainant to deposit a sum of Rs.556/- towards cost of information on 21/05/07. The Complainant requested the PIO on 23/06/07 to supply the information , free of cost, in terms of under Section 7 (6) of the RTI Act, 2005. The PIO informed the Complainant to collect the information on 27/07/07. The latter was provided the information on 28/08/07, free of cost. Prima-facie, the delay seems to have been caused at the level of then CCF(Admn), Prasanna Kumar Parida. The latter stated that after getting the reminder from the PIO on 30/07/07 he requested the Conservator of Forests (Admn) and Assistant Chief Conservator of Forests (Headquarters) to supply the information. These explanations were not tenable under the RTI Act, 2005 as no good faith or diligence in handling the request could be established by him.
3. The form A application is dated 17/02/07 and, therefore, the limitation for supply of information was 19/03/07. Hence, the ex-CCF (Admn) Prasanna Kumar Parida was found responsible for the delay of 11 days. Though reasonable opportunities (including adjournments) were given to prove to have acted reasonably and diligently, he failed to discharge the same. Hence, the State Commission considering all aspects of the case and


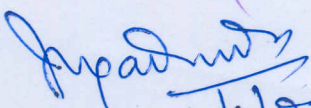
pressing into service the mandatory provisions under Section 20 (1) of the RTI Act, 2005 decided to impose a penalty of Rs.2750/- for the delay of 11 days on Prasanna Kumar Parida, ex-CCF (Admn) (currently Additional PCCF), office of the PCCF, Orissa, Bhubaneswar. He is directed to deposit the penalty 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 by the Public Authority under Rule 9 of the Orissa Right to Information Rules, 2005. If the same cannot still be recovered, penalty amount shall be recovered under Rule 13 of the Orissa Right to Information Rules, 2005, for which necessary steps will be initiated by the Public Authority.

4. The fact of the full recovery will be reported to the Secretary, Orissa Information Commission, Bhubaneswar for record.
5. With the above directions, the case is disposed of and closed. Inform all concerned including the Complainant and the Public Authority.

Pronounced in open proceedings

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




SCIC
17-7-09

SIC 17/7/09

FM