

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 2nd July, 2009

Complaint Case No.605 /2007
and
Complaint Case No.606/2007

Rash Bihari Nayak,
Head Clerk,
Office of the District Inspector of Schools,
Balasore-756001,
Balasore district.....Complainant

-Vrs-

Public Information Officer,
Directorate of
Teacher Education and SCERT,Orissa,
Unit-IV, Bhubaneswar.

Decision

1. Complainant Rash Bihari Nayak is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Paramananda Das, PIO, Laxman Charan Murmu, Senior Assistant and Susanta Kumar Mohapatra, Junior Assistant, all of the Directorate of Teacher Education and SCERT,Orissa, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 09/05/07 and heard by the State Commission earlier on 15/04/08, 28/08/08, 14/11/08 and 06/03/09.

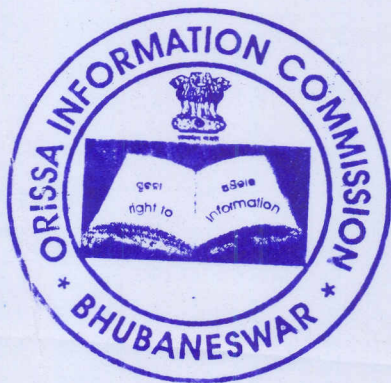
2. It reveals from the record that the Complainant had filed two form A applications dated 17/02/07 and 27/02/07 which were received in the office on 06/03/07 and 09/03/07 respectively. The Junior Assistant Sushanta Kumar Mohapatra put up the file to the PIO on 16/03/07, that is, after nine days. The Senior Assistant, Laxman Charan Murmu retained the file with him from 16/03/07 to 28/03/07, that is, for a period of 12 days. The applications were finally transferred on 09/04/07 to the PIO, College of Teacher Education, Balasore. The latter received the application on 10/04/07 and on the next date i.e. on 11/04/07 intimated the Complainant to come and receive the information. But the Complainant did not turn up.
3. After hearing the parties on 15/ 04/08, the State Commission had directed the transferee PIO in Balasore to provide the information to the Complainant, free of cost, within 15 days through registered post. The transferee PIO had stated that the information were sent on 17/04/08 through registered post but the same returned with the remark of the postal authorities as “ Addressee refused” endorsed on the envelope. The evidence was taken to record. Hence the State Commission were of the view that the responsibility of the transferee PIO had ceased. He had acted swiftly in respect of both the applications. However, the delay of 6 days at the level of Sushanta Kumar Mohapatra and delay of 9 days at the level of Laxman Charan Murmu (after deducting 3 days in favour of each) needed to be probed into.
4. The referred PIOs submitted their respective showcause memorandum. The same were perused, discussed and taken to record. Though reasonable opportunity was given to them to explain the delay they could not establish their bonafides to have acted reasonably and diligently. Hence the State Commission pressed into service the mandatory provisions of Section 20 (1) of the RTI Act, 2005 and decided to impose a penalty of Rs.1500/- on Susanta Kumar Mohapatra, Junior Assistant for the delay of 6 days and


Rs. 2250/- on Laxman Charan Murmu, Senior Assistant for the delay of 9 days. They were directed to deposit the respective penalty amounts 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 from them by the Head of the Public Authority under Rules 9 and 13 of the Orissa Right to Information Rules, 2005. The PIO will inform the fact of full recovery from both to the Secretary, Orissa Information Commission, Bhubaneswar as soon as the recovery is fully effected.

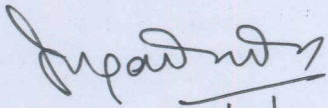
5. With the above direction the case is disposed of and closed. Inform all concerned including the Complainant and the Head of the Public Authority.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 2nd day of July, 2009.





SCIC
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SIC 2/7/09