

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date : 17th February, 2009

Complaint Case No. 728/2007

and

Complaint Case No.772/2007



Sandhyarani Pani,
Advocate,
Hill Patna – 3rd Lane,
Berhampur – 760005,
Ganjam districtComplainant

-Vrs-

Public Information Officer,
Works Department,
Government of Orissa,
Secretariat,
BhubaneswarOpposite Party

Decision

1. Complainant Sandhyarani Pani is absent on repeated calls. Her absence cannot be condoned under Rule 9(2) of Orissa Information Commission (Appeal Procedure) Rules, 2006 as she was specifically intimated to appear today and have her say, if any, in the matter. The Under Secretary to Government and PIO, Works Department is absent. However, he had intimated vide his letter

no. 2184 dated 16.2.2009 to the State Commission that due to serious illness of his old mother, he would be on leave and hence not be able to remain present at today's hearing. His prayer was accepted. Perused the case record. Both the above cases have common factual matrix and legal overhangs and, therefore, are dealt with by this common order.

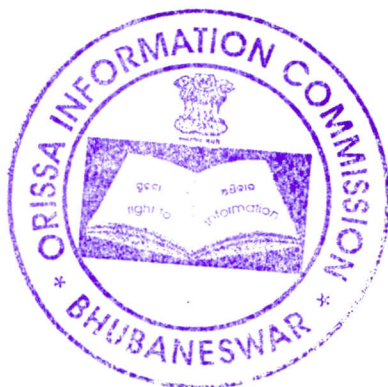
2. The case was earlier heard twice on 26/06/08 and 16/10/08. The Complainant in form A application dated 16/04/07, had sought information on regularisation and non-regularization of D.L.R persons against the vacant posts with the concurrence of the Finance Department. In this regard she had requested for copies of relevant documents/ letters. The PIO in his showcause memorandum had inter alia averred that a writ petition has been filed against the orders of Works Department communicated vide letters dated 13/11/06 and 09/03/07 before the Hon'ble High Court of Orissa and the case is now pending for adjudication. The PIO had also prayed that disclosure of any information relating to the said pending case may amount to contempt of court. In spite of the notice, the Complainant is absent today. Therefore, the State Commission is not in a position to verify if the writ petition pending with the Hon'ble High Court, Orissa really impacts the information sought in these RTI applications.
3. On perusal of record it is seen that on the direction of the State Commission an amount of Rs.128 has been refunded to her vide

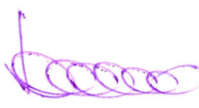
letter no.11577 dated 26.6.2008 of Under Secretary to Government –cum- PIO, Works Department, Government of Orissa, Secretariat, Bhubaneswar and the required information was supplied, free of cost, under RTI Act, 2005 due to the initial delay, which was, however, challenged by the Complainant as being irrelevant. But she did not appear today to clarify the situation as directed by the State Commission

4. In view of the facts and circumstances of the case explained above, as the matter is sub-judice in the Hon'ble High Court, Orissa, Cuttack and the same has been informed to the Complainant, there is no need to prolong the case. The case is disposed of and closed with no orders on penalty. The PIO is exonerated. Inform the Complainant.

Pronounced in open proceedings

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




SCIC
17-2-09