

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 10th July, 2009

Complaint Case No.811/2007
and

Complaint Case No.812/2007



Keshab Chandra Panda,
At-Shree Rama Vihar,
PO-Jagriti Vihar,
Burla-768020,
Sambalpur district.....Complainant

-Vrs-

1. Public Information Officer,
Sambalpur University,
Jyoti Vihar,
Burla,
Sambalpur-768019
2. First Appellate Authority,
Sambalpur University,
Jyoti Vihar,
Burla,
Sambalpur-768019.....Opposite Parties

Decision

1. For convenience of the parties both the cases were taken up together for analogous hearing as they are between the same parties and relate to same/overlapping information requests.
2. Complainant Keshab Chandra Panda is present. Sudhanshu Sekhar Rath, First Appellate Authority-cum-Registrar, Sambalpur University, Jyotivihar, Burla is also present. Heard. Perused the case record.

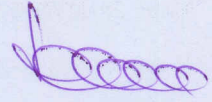
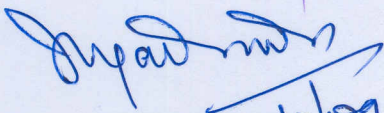
3. The Complainant had filed 2 RTI applications dated 18/05/07 and 24/05/07 seeking information on 58 (fiftyeight) and 2 (two) items respectively, all relating to his personal grievances. The RTI application was filed under Section 7 (1) of the Act seeking information within 48 hours as life and liberty issues were stated to be involved in the application. Due to inaction, the Complainant approached the First Appellate Authority on 26/05/07 and 28/05/07 respectively on these two applications.
4. The First Appellate Authority of the University had concluded on scrutiny that the information sought by the Complainant did not attract the right or liberty of a person as defined under the RTI Act,2005 and thereafter communicated the decision vide letter 5621/FAA dated 04/06/07. The Complainant filed the second appeal dated 19/06/07 before the State Commission. During the hearing in the State Commission, the Complainant strongly submitted about the lack of opportunity to be heard during the First Appellate proceedings which is an important quasi-judicial stage and challenged the veracity of the orders of the First Appellate Authority. The latter clarified that the PIO has acted within the legal ambit of the RTI Act,2005 and available information has been provided on 09/08/07 to the Complainant.
5. After hearing the parties, the State Commission on 21/10/08 had remanded the case to the First Appellate Authority to hear the case afresh by giving reasonable opportunity to the Complainant and provide the balance information expeditiously, free of cost. On 12/02/09 the First Appellate Authority had submitted that he heard the case on 03/01/09 and supplied the required informations. However, the Complainant stated that he had received 51 items of information out of 58 and balance information was yet to be received.

6. The State Commission on 12/02/09 had directed the PIO to provide the balance information to the Complainant within 15 days. The First Appellate Authority present today stated that the balance information were not available in the office. The First Appellate Authority is directed to submit an affidavit regarding non-availability of information. As regards delay, the First Appellate Authority stated that the PIO and First Appellate Authority were busy with the time bound examinations and, therefore the delay occurred. There was no malafide intentions. The examination commitments were confirmed by the Complainant.
7. The State Commission being convinced that there was no malafide intentions to withhold any information exonerated the opposite parties with no orders on penalty subject to submission of an affidavit vide paragraph 6 supra. The case is disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 10th day of July, 2009.




SCIC
10.7.09

SIC 10/7/09