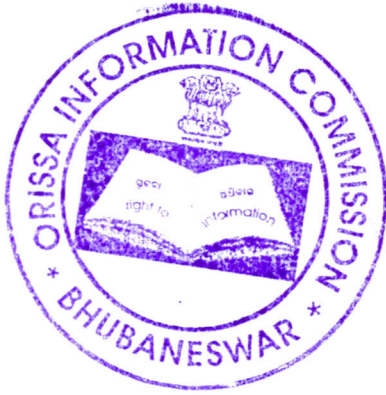


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 25th February, 2009
Complaint Case No. 868/2007

Sarat Chandra Mohanta,
At-Gatibandh,
PO-Purunaghaty-757043,
Via-Rairangpur,
Mayurbhanj districtComplainant



-Vrs-

Public Information Officer,
Office of the Notified Area Council,
Rairangpur,
Mayurbhanj district.....Opposite Party

Decision

1. Complainant Sarat Chandra Mohanta is absent despite direction dated 30/10/08 of the State Commission communicated by a special notice dated 08/12/08 by speed post. Unlike last time, he has not prayed for any leave of absence or an adjournment. Sarat Chandra Satpathy, Junior Clerk-cum-PIO, Rairangpur NAC, Mayurbhanj district is present. Heard him. Perused the case record. It reveals from the record that this case was last heard on 30/10/08 and arises out of complaint petition date 22/06/07.
2. The Complainant had filed form A application dated 28/03/07 with the PIO, office of the Rairangpur NAC, Mayurbhanj district seeking information on allotment of shop rooms in the police lines area of

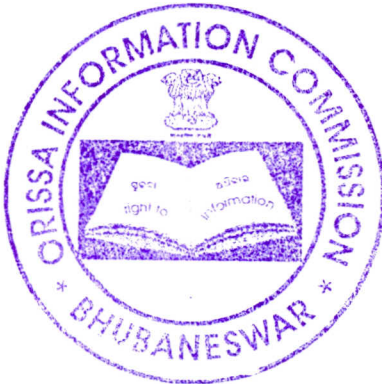
Rairangpur NAC. The PIO submitted that the required information was ready for delivery by 10/04/07 and he has intimated the Complainant to receive the information since he has indicated in his form A application dated 28/03/07 to receive the same in person. As the Complainant did not turn up by 11/04/07, the PIO sent Simal Chandra Murmu, Works Sarkar to handover the information, free of cost, at the residence of the Complainant. The Works Sarkar reported on 12/04/07 that he visited the residence of the Complainant twice but found him absent. He had, however, informed the family members of the Complainant about his arrival and that the latter should come to the NAC office and collect the information. Despite the same, Complainant Mohanta did not turn up.

3. The above averments of the PIO had been strongly refuted on 22/07/08 by the Complainant who had submitted that nobody came to his house to deliver any letter from the NAC and allotment of shop rooms have already been completed, without considering his case.
4. PIO, while mentioning on 22/07/08, that allotment of shop rooms had been done by following transparent and approved procedures, stated that he was ready with the information. On being directed by the State Commission, he handed them over to the Complainant, free of cost. The State Commission had explained to the Complainant that the matter of any illegality cannot be adjudicated upon in this forum. He has to move an appropriate Court of Law on the basis of information acquired under the RTI Act, 2005.
5. On the basis of the facts and the circumstances of the case, the State Commission exonerated the PIO with no orders on penalty. The case

is closed and disposed of subject to swearing of an affidavit by Simal Chandra Murmu in respect of the statement made by him on 12/04/07 before the State Commission at the time of hearing of the case that he had visited the house of the Complainant etc. Such affidavit should be filed on or before 3rd March, 2009 being addressed to the Registrar, Orissa Information Commission, Bhubaneswar. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 25th day of February, 2009.



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SCIC

25.2.09

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