

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



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

and

Shri Jagadananda, SIC

Date: 03rd July, 2009

Complaint Case No. 966-A / 2007

Nimananda Biswal,
At/PO-Nandigram,
Jagatsinghpur District.

At present:- Mangula Electricals,
Plot No-A/102,
Sahid Nagar,
Bhubaneswar.....Complainant

-Vrs-

1. Public Information Officer,
Health and Family Welfare Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority,
Health and Family Welfare Department,
Government of Orissa,
Secretariat,
BhubaneswarOpposite Parties

Decision

1. Complainant Nimananda Biswal was found absent on call though filed hazira. Nonetheless, the same is condoned under Rule 9(2) of the Orissa

Information Commission (Appeal Procedure) Rules, 2006. Rashid Khan, Under Secretary-cum-PIO and Rabi Narayan Prusty (retired), ex-Superintendent Level-I, Issue Section, both from the Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard. Perused the case record. The case arises out of a complaint petition dated 06/07/07 and earlier heard by the State Commission on 03/12/08, 17/02/09 and 30/04/09.

2. It reveals from the record that the form A application dated 25/01/07 was filed with the PIO, Health and Family Welfare Department seeking information regarding eligibility criteria for women candidates for allotment of day and night medicine stores, and related issues. The available information was furnished on 11/05/07, which indicated a clear delay.
3. From the chronological event chart it was observed that the delay had occurred at the level of the Issue Section for 7 days, Deputy Secretary for 22 days and Ajit Kumar Sahoo, Under Secretary for 40 days. Accordingly showcause was issued and their attendance procured.
4. Ajit Kumar Sahoo stated that the related file was put up to him on 13/03/07 and he marked it to the Dealing Assistant on 03/04/07 and on attaining the age of superannuation retired on 30/04/07. After deducting 3 days as per Secretariat instructions, he is responsible for delay of 17 days. Though reasonable opportunity was given to him to satisfactorily explain the delay, he could not prove existence of reasonable cause.

5. Himansu Kiran Sahu, ex-Deputy Secretary had submitted on 30/04/09 that the relevant file was received by him on 15/02/07 and he endorsed the same to the Special Secretary on 17/02/08. The file was returned from the Special Secretary on 19/02/07 with the order "please speak". Because of several pre-occupations including Assembly matters, the issue could not be discussed with the Special Secretary, despite several attempts. The delay at the level of Himansu Kiran Sahu being circumstantial was, therefore, condoned with the observation that he should be careful in future while dealing with RTI applications.

6. The State Commission considering the aspects of the case from the point of applicability to Ajit Kumar Sahoo, Under Secretary (retired) had decided on 30/04/08 to impose a penalty of Rs.4,250/- (Rupees Four thousand two hundred fifty only) on him for the delay of 17 days. He is directed to remit the penalty amount in the Treasury under the 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 him under Rule 13 of the Orissa Right to Information Rules, 2005. The action will be initiated by the Public Authority in the Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar. PIO was directed on that day to report full recovery to the Secretary, Orissa Information Commission.

7. As Rabi Narayan Prusty, ex-Issue Superintendent, Health and Family Welfare Department could not produce on 30/04/09 any satisfactory

evidence to explain the delay of 7 days at his level, he had been accorded another opportunity for today to explain the delay. During hearing today it was clarified that the Issue Section had dealt the file on the same day but could not obtain the endorsement of the then Under Secretary (Sri Khatai) who was on leave. After hearing the submission and going through the records, the State Commission were convinced that there was no malafide intention with the ex-Superintendent, Issue Section and hence exonerated him. Available information has been furnished, free of cost, and there appears no other issue to be adjudicated. Accordingly, the case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 03rd day of July, 2009.




SCIC

3-7-09


SIC 3/7/09