

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**and**

**Shri Jagadananda, SIC**

**Date 10<sup>th</sup> September,2009**

**Complaint Case No.999/2007**

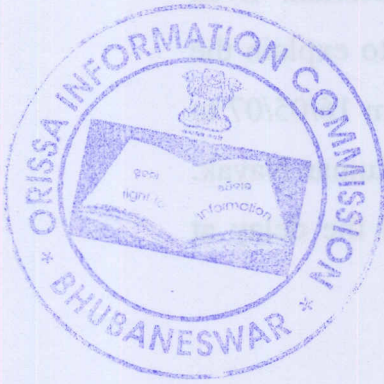
Dolagobinda Khil,  
At- Kaliajholi,  
PO- Dandabadi-764043  
Via-Boipariguda,  
Koraput District.....Complainant

**-Vrs-**

Public Information Officer  
Office of the Block Development Officer,  
Boipariguda,  
Koraput District..... Opposite Party

**Decision**

1. The Complainant Dolagobinda Khil is absent. His absence is condoned under Rule 9(2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Pradip Kumar Chhuria, Progress Assistant and GPEO-cum-PIO, Boipariguda Block , Koraput district and Sirish Kumar Nayak, ex- APIO, Chipakur Gram Panchayat ( presently PEO-cum-APIO, Kenduguda G.P., Boipariguda Block) are present. Heard them and perused the case record. This case arises out of complaint petition dated 02/07/2007.
2. The case was earlier heard on four occasions. The Complainant had filed form A application dated 12/02/07 with the PIO, Panchayat Samiti,



Boipariguda, Koraput district seeking information under Section 17 of the NREG Act. The said application was transferred on 16/05/07 under Section 6(3) of the RTI Act, 2005 to Dandabadi Gram Panchayat as the request closely related to that public authority.

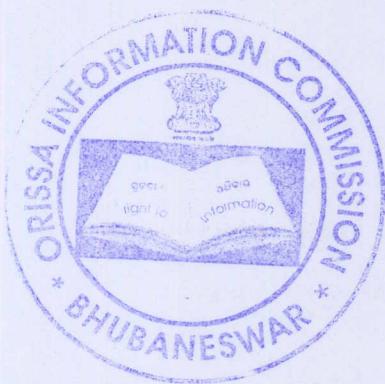
3. After receipt on transfer of the said application by Sirish Kumar Nayak on 16/05/07, the information were supplied to the Complainant on 15/08/08, free of cost. As regards the delay, Pradip Kumar Chhuria stated that he was busy with the Gram Panchayat elections from 05/01/07 to 21/03/07. Therefore, he was not able to attend on time to the RTI application. Even if such period is deducted from the overall delay, he has to explain the delay from 22/03/07 to 16/05/07. The subsequent delay from 16/05/07 to 15/08/08 had to be explained by the referred PIO Sirish Kumar Nayak. They were afforded a second opportunity each to explain the delay at their respective levels.
4. Though opportunity of hearing were given to both of them to prove that they had acted reasonably and diligently, they failed to expound any acceptable grounds to explain the delay caused at their respective levels. The grounds stated by them were vague and not based on facts and figures. Hence the submissions of the opposite parties was not accepted within the ambit of the RTI Act, 2005.
5. Upon consideration of the case from all the above discussed aspects, the State Commission decided to impose a penalty of Rs.25,000/- ( Rs. 250 x 100 days maximum as per RTI Act, 2005) on the APIO, Sirish Kumar Nayak, Dandabadi Gram Panchayat and penalty of Rs. 14000/- ( Rs.250 X 56 days ) on PIO , Pradip Kumar Chhuria, Boipariguda Block, Koraput district . The penalty will be deposited by them within 30 days from the date of receipt of these orders, failing which it will be


recovered from the salary of the concerned officials in 10 monthly, equal and consecutive instalments from the salary of October, 2009 payable in November, 2009 and will be deposited by the Public Authority in the 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”.

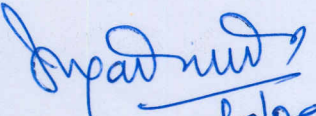
6. The head of the Public Authority, that is, the Block Development Officer, Boipariguda Block, Koraput district will report compliance after the penalties are recovered in full, to the Secretary, Orissa Information Commission. These orders be communicated to the Complainant, the Public Authority and all concerned.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 10<sup>th</sup> day of September, 2009.



  
SCIC  
10.9.09

  
SIC 10/9/09