

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 28th January, 2009

Complaint Case No. 1044/2007



Prasanta Kumar Sarangi
At-Mahabir Bazar,
PO-Dhenkanal-759001,
Dhenkanal District.....Complainant

-Vrs-

Public Information Officer,
Office of the Collectorate,
Dhenkanal
Dhenkanal District.....Opposite Party

Decision

1. Complainant Prasanta Kumar Sarangi is absent. The same cannot be condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 in view of the previous order dated 24/09/08 in which the presence of the Complainant is considered essential. Salil Kumar Sarangi, Deputy Collector-cum-PIO, Collectorate of Dhenkanal is present. Heard. Perused the case record. The case arises out of a complaint petition dated 14/07/07.
2. The Complainant filed form A application before the PIO, District Welfare Officer, Dhenkanal on 25/04/07 seeking information regarding representation of Sandhyarani Panda and related issues. In view of the order dated 24/09/08 the PIO was directed to submit a status report of form A application of the Complainant and the same had been submitted

which is taken to record. The PIO mentions that on receipt of application under Section 6(1) of the RTI Act the District Welfare Officer was requested to furnish information on the above application vide letter no - 101 dated 27/04/07. The District Welfare Officer intimated that no representation of Sandhyarani Panda, ex-Assistant Mistress of Government High School, Kapilash ha been received by him and the said fact was intimated to the Complainant vide letter no-1040 dated 24/05/07.

3. Due to inaction by the PIO the Complainant filed first appeal under Section 19(1) of the said Act before the Additional District Magistrate-cum-First Appellate Authority on 30/05/07. The First Appellate Authority heard the case in their presence and direct Prasanta Kumar Sarangi to produce available document, if any, in support of his claim before 22/06/07. Prasanta Kumar Sarangi submitted that no reference regarding representation of Sandhyarani Panda is available with him. The First Appellate Authority after hearing both the Complainant and the PIO upheld the decision of the PIO and rejected the application.
4. In view of the above discussed factual position it is clear that neither the PIO nor the First Appellate Authority has legally faulted to have caused any flagrant violation of any of the provisions of the RTI Act, 2005.
5. On the contrary the Complainant's request sought for in form A application has been defeated due to his own lapses.
6. Since the Complainant is absent today there is no further issue to adjudicate the instant case . The State Commission upheld the decision of the First Appellate Authority.

7. The State Commission is of the considered opinion that the Complainant should file form A application before the appropriate Public Authority and the PIO is directed to ensure reasonable assistance under Section 5(3) of the said Act, 2005 to the seeker and provide proper guidelines and policies as per the RTI Act, 2005.
8. On the above observations and directions by the State Commission there appears no merits to prolong the case which is hereby dismissed, disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 28th
day of January, 2009.



[Handwritten Signature]
SIC 28/1/09