

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 25th February, 2009

Complaint Case No. 1102 / 2007



Maheswar Sahoo,
At-Gariapur,
PO-Jajpur,
Jajpur District.....Complainant

-Vrs-

Public Information Officer,
Jajpur Municipality,
At/PO-Jajpur,
Jajpur District.....Opposite Party

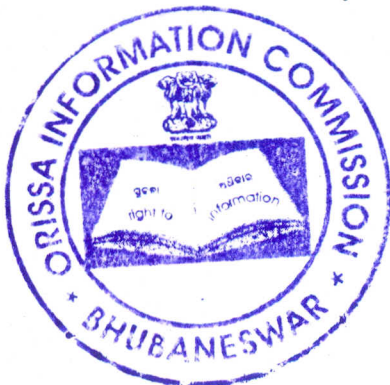
Decision

1. Complainant Maheswar Sahoo is present. PIO, office of the Jajpur Municipality, Jajpur district is absent. Heard. Perused the case record.
2. The case was last heard on 18/11/09 and arises out of the complaint petition dated 25/05/07. It reveals from the record that the Complainant filed form A application seeking information related to issue of Birth Registration Certificate and related issues on 21/06/07. The PIO sought assistance under section 5(4) of the RTI Act, 2005 (Act for short) from the Health Officer on 25/06/07. The Complainant was requested to deposit the cost of information in form B and available information were furnished on 23/07/07.

3. The State Commission observed that the cost was collected beyond the stipulated time as per Section 7 of the Act.
4. The PIO was directed to comply to the orders of the State Commission dated 18/11/08 and report compliance through the Registrar expeditiously with least delay.
5. As regards the delay of two days the PIO had made a detailed submission clarifying the fact that since the information had to be collected from the Registrar of Birth and Death-cum-Health Officer, the delay of two days, however, relates to third parties and as such additional 10(ten) days of time available as per the Act. The plea of the PIO is accepted. The State Commission is of the considered view that there was no malafide on the part of the PIO. The delay of two days circumstantial and therefore exonerates him. However, the PIO is cautioned not to repeat this act in future. He is directed to refund the cost of information collected from the Complainant as per Section 7(6) of the Act expeditiously with least delay and report compliance to the State Commission.
6. With the observation supra and subject to the compliance, the case is disposed of and closed.

Pronounced in open proceedings

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



[Handwritten Signature]
SIC 25/2/09