

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

and

Shri Jagadananda, SIC

Date: 27th March, 2009

Complaint Case No. 121 /2007



Kedarnath Sahoo,
Vill-Narayan Nagar,
PO-Laxmiprasad,
Boudh district.....Complainant

-Vrs-

Public Information Officer,
Laxmiprasad Gram Panchayat,
Boudh district.....Opposite Party

Decision

1. Complainant Kedarnath Sahoo is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Narendra Kumar Behera, VLW-cum-PIO, Laxmiprasad Gram Panchayat, Boudh Block, Boudh district is present. Heard. Perused the case record.
2. This case arises out of complaint petition dated 06/02/07 and heard by the State Commission earlier on 09/10/07, 13/02/08, 16/07/08, 29/10/08 and 26/02/09.
3. Complainant Kedarnath Sahoo had alleged in the complaint petition that he wanted to submit form A application dated 25/09/06 with the PIO, Laxmiprasad Gram Panchayat, Boudh Block but the latter refused to accept the same and advised him to submit the same to the

PIO, Boudh Collectorate. Accordingly, he submitted the said form A application dated 25/09/06 before the PIO, Boudh Collectorate who transferred under Section 6 (3) of the RTI Act, 2005 (Act for short) the issue to the same PIO of Laxmiprasad Gram Panchayat.

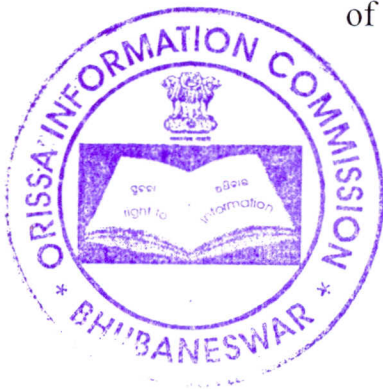
4. On 29/10/08, the PIO admitted that after receipt on transfer of the application in form A dated 25/09/06 he intimated the Complainant on 12/11/06 to receive the information by depositing the required cost thereof as Complainant had intended to receive the information in person. The Complainant stated on 10/01/07 to have be provided with false and incomplete information.
5. The State Commission on 29/10/08 had directed the PIO to supply permissible information to the Complainant by registered post, on or before 05/11/08, free of cost. On the subsequent hearing on 26/02/09, the PIO had stated that as per directions of the State Commission, he had supplied the required information under certificate of posting. This was not viewed favourably by the State Commission as the specific direction was to send by registered post with AD.
6. In sum, the State Commission observed that the PIO had committed a delay of 17 days, after deducting the maximum allowable period of 30 days for providing the information under Section 7 (1) of the RTI Act, 2005.
7. The explanation, as provided by Narendra Kumar Behera, PIO was not satisfactory in terms of the provisions of the Act. Therefore, the mandatory provisions of Section 20 (1) got attracted and the PIO was awarded a penalty of Rs.4250/- (Rupees Four Thousand Two Hundred Fifty only) @ Rs.250/- for each day delay of 17 days.. Hence, Narendra Kumar Behera, PIO-cum-VLW, Laxmiprasad Gram Panchayat, Boudh Block, Boudh district would have to pay a penalty



of Rs.4250 (Rupees Four Thousand Two Hundred Fifty only) and remit the said amount 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" within 30 days of receipt of this order, failing which the amount shall be recovered by the Public Authority under Rules 9 and 13 of the Orissa Right to Information Rules, 2005. The fact of recovery will be reported immediately after the compliance, to the Secretary, Orissa Information Commission for record.

8. A copy of the order be forwarded to the BDO, Boudh Block, Boudh district to ensure compliance of the orders.
9. With the above orders, the case is disposed of and closed. Inform all concerned including the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 27th day of March, 2009.




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