

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**State Chief Information Commissioner, Orissa**

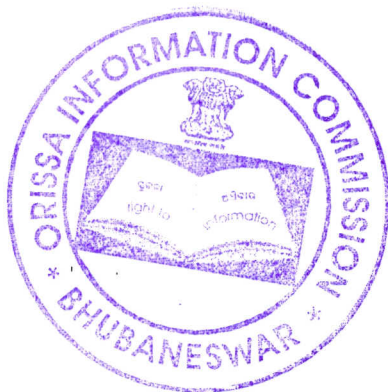
**Date: 25<sup>th</sup> February, 2009**

**Complaint Case No.02/2007**

Hemant Kumar Khuntia,  
At-Gogua (Prabhasuni),  
PO-Tileibani,  
Deogarh district.....Complainant

-Vrs-

Public Information Officer,  
Tileibani Gram Panchayat,  
Tileibani,  
Deogarh district.....Opposite Party



**Decision**

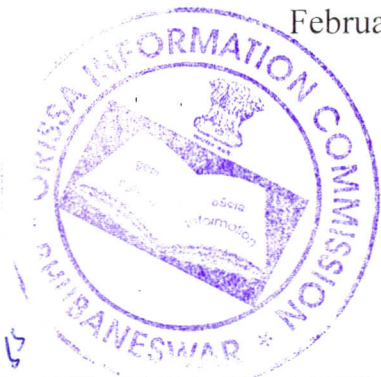
1. Complainant Hemant Kumar Khuntia is absent on call. The same is condoned under Rule 9(2) of Orissa Information Commission (Appeal Procedure) Rules, 2006. Gopal Charan Rana, ex-Executive Officer, Tileibani Gram Panchayat, (currently Agriculture Overseer, C/o-JAO, Telkoi, Keonjhar district) and Suresh Chandra Dehury, ex-PIO-cum-VLW, Tilebani, currently PIO, Baniakilinda are present. Heard him. Perused the case record. This matter arises out of complaint petition dated 27.12.2006.
2. Complainant has sought information in form A application dated 21.11.2006 from the PIO, Tileibani Gram Panchayat, Deogarh district as to the amount of compensation paid to the people by Chhabil Kumar Pradhan, Secretary for acquiring land in khata no.80, plot no.1436 in mouza Gorua ( Prabhasuni), PS-Deogarh district. Since the Complainant did not get any information within 30 days he preferred a complaint before the State Commission on 07.12.06 by exercising right under Section 18 of the RTI Act,2005. The case was earlier heard on 7/01/07, 23/08/07,4/12/04,14/05/08,13/9/08 and 13/01/09.
3. The PIO submitted that he had not received the application. On scrutiny of the records, it is seen that the application was received by one Gopal Charan Rana under this signature. In order to ensure supply of information, a copy form A


application dated 21.11.06 was handed over to the PIO from the case record and he was directed to provide the information, free of cost, within 15 days, that is, by 29.05.08.

4. Gopal Charan Rana, ex-Executive Officer, Tileibani Gram Panchayat and Suresh Chandra Dehury submitted today their respective written memorandums.
5. On perusal of the said written memorandums and on the basis of the submissions, the State Commission were satisfied that Suresh Chandra Dehury had not malingered. Hence, he was exonerated. But in case of Gopal Charan Rana, the State Commission noticed 7 days delay and he was not able to produce satisfactory evidence on his defense of innocence. Though reasonable opportunity was give to him to explain to have acted reasonably and diligently, he failed to discharge the same.
6. Pressing into service the provision of Section 20(1) of the RTI Act,2005, the State Commission hereby imposed a penalty and directed Gopal Charan Rana, ex-Executive Officer –cum-PIO (currently Agriculture Overseer Telkoi, Keonjhar District) to deposit the penalty amount of Rs.1750/- 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 period of 30 days of receipt of these orders, failing which the amount shall be recovered by the Head of the Public Authority as directed supra under Rule 9 of the Orissa RTI Rules,2005 from the salary. In case the Head of the Public Authority fails to recover, steps shall be taken by him under Rule 13 of the Rules supra.
7. Hence the case is disposed of and closed. Inform the Complainant including the Public Authority. The latter will inform the Secretary, Orissa Information Commission after the penalty amount is deposited, for record.

**Pronounced in open proceedings**

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



  
SCIC  
25-2-09