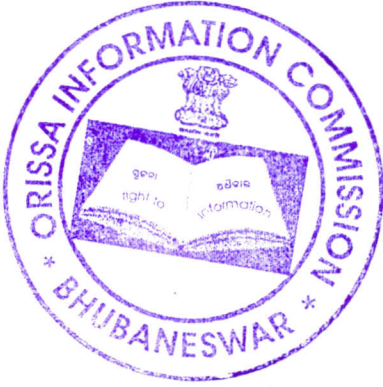


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 12th February, 2009

Complaint Case No. 295/2007



Surendra Mahapatra,
At-Infront of G 68/4(Gandhipada),
PO/PS-Burla-768017,
Sambalpur districtComplainant

-Vrs-

1. Public Information Officer,
Office of the Principal,
VSS Medical College and Hospital,
PO/PS-Burla-768017,
Sambalpur district.
2. Public Information Officer,
Office of the Superintendent,
VSS Medical College and Hospital,
PO/PS-Burla-768017,
Sambalpur district.....Opposite Party

Decision

1. Complainant Surendra Mohapatra is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Bira Kishore Mishra, ex-PIO and Senior Steno to the Principal, VSS Medical College, Burla is present. Heard. Perused the case record. This case arises out of complaint petition dated 07/03/07, and heard earlier on 04/12/07, 18/06/08 and 17/10/08.

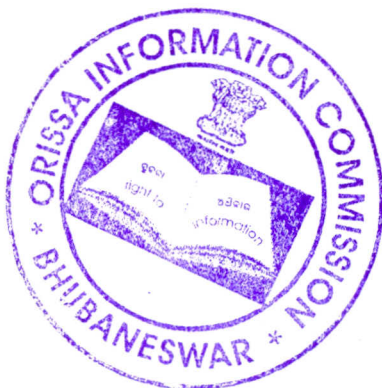
2. Form A application addressed to the PIO, VSS Medical College, Burla was received by the office of the Superintendent, VSS Medical College Hospital on 06/02/07. It is seen from the records that the Superintendent Office did not transfer the said application to the PIO, VSS Medical College immediately and only after receipt of notice from the State Commission the Superintendent VSS Medical College Hospital forwarded the application to the Principal, VSS Medical College, Burla vide letter no.4507 dated 25/05/07. The PIO of the VSS Medical College actually received the application on 29/05/07. (Suffice it to mention that these two are different Public Authorities)
3. It had transpired during hearing on 04/12/07 that since a copy of the form A application was sent to the PIO, VSS Medical College alongwith the notice from the State Commission, the PIO acted on it and intimated vide letter no.2945 dated 23/05/07 that the office did not have the category wise merit list of different posts advertised on 02/12/06 and 16/12/06. However, the applicant has informed that he could take the photocopy of the applications containing names of the candidates, the address and marks obtained etc. after depositing necessary cost of information.
4. The Complainant had approached the State Commission on 07/03/07 i.e. before he received the intimation from the PIO, VSS Medical College, Burla.
5. Since the application was received by the Superintendent of the Hospital on 06/02/07 and not responded to within the stipulated maximum time period of 30 days, there was no reason why the Complainant should be required to deposit the cost of information. The same should have been provided, free of cost, as per Section 7 (6) of the RTI Act, 2005. The State Commission


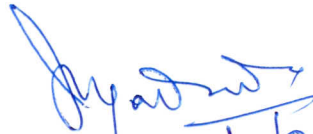
had directed on 04/12/07 the PIO, VSS Medical College to furnish the available information, free of cost.

6. In compliance to the orders of Commission, all the required information have been provided to the Complainant vide letter no.7651 dated 07/12/07. As regards the delay, the PIO stated that the form A application was mis-sent to the VSS Hospital instead of VSS Medical College which caused the delay and confusion. There was no malafide intention in obstructing information in this case.
7. In view of the peculiar circumstances of this case, PIO of the VSS Medical College, Burla is exonerated. Hence the case is disposed of and closed with no orders on penalty. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 12th day of February, 2009.




SCIC
12.2.09

SIC 12/2/09

777