

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 3rd April, 2008

Complaint Case No.49/2006



Sandhyarani Pani,
Advocate,
Hill Patna, 3rd Lane,
Berhampur-760005,
Ganajm District.....Complainant

-Vrs-

1. Public Information Officer,
School and Mass Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar
2. First Appellate Authority
cum-Additional Secretary to Government,
School and Mass Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Sandhyarani Pani is absent. The same is condoned under Rule 9 (2) of the provisions of Orissa Information Commission (Appeal Procedure) Rules, 2006. Ex-PIO, Manmohan Rath and the present PIO, Umesh Chandra Mohanty, School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar. Heard. Perused the case record.
2. It is seen from the record that hearing of this case had commenced on 25/07/06 and subsequently heard on 22/08/06, 04/10/06, 15/12/06, 17/01/07, 13/03/07, 27/04/07, 12/07/07, 24/01/08, 31/01/08 and 17/03/08.

Towards the later half, the case had been repeatedly adjourned due to non-appearance of Manmohan Rath, ex-PIO, School and Mass Education Department who on some plea or the other had prayed for adjournment indicating official assignments / ill-health. This was reluctantly agreed to as the element of delay had to be ascertained and personal liability fixed. He was, however warned on his appearance.

3. Coming to the merits of this case, it is seen from the record that form A application dated 13/01/06 was filed by the Complainant with the then ex-PIO, Manmohan Rath who had endorsed the same on 16/01/06 to Section XIII (Administrative Section) with a request to furnish the information within a week. The Administrative Section had in turn requested the PIO, Directorate of Mass Education, Bhubaneswar vide letter no. 4294 dated 24/01/06 for the information.
4. It would be relevant to mention that this case came up for consideration on 15/12/06, when it was observed at paragraphs nos.4 and 5 as follows:
 - (4) "The State Commission looking to the voluminous information sought for appreciate the practical difficulty of the referred PIOs but at the same time they should have communicated a reasoned decision on time to the Complainant. The referred PIOs do not seem to have malafide intention to withhold the information and there appears reasonable cause to protect their commissions in the coverage of their good faith.
 - (5) The State Commission while exonerating the above referred PIOs of the Department and the Directorate feel it proper to recommend the Public Authority for taking proper steps to make necessary changes in relation to the maintenance and management of the RTI

related issues so that such inadequacies will not be noticed in future.”

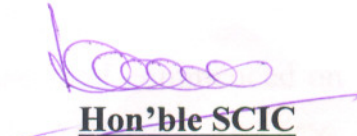
5. From the materials available on record, the State Commission are satisfied that all the information have been supplied, free of cost, to the Complainant on 14/07/06. The observations of the State Commission reflected at paragraph no.3 above closes the issue of delay since the referred PIO(s) of the Department and the Directorate have been exonerated and the Public Authority has been advised for taking proper steps and make necessary changes in relation to the maintenance and management of the RTI related issues so that such inadequacies do not create delays by systemic obstructions.

6. As observed earlier, the case was kept pending for the appearance of Manmohan Rath, ex-PIO of the Department. It reveals from the showcause filed by Umesh Chandra Mohanty, present PIO, that Manmohan Rath, ex-PIO had disposed of the RTI application within 03 days as he had received the application on 13/01/06 and endorsed the same to the Administrative Section on 16/01/06. Thus no delay can be attributed to ex-PIO, Manmohan Rath who had cleared the file within 03 days. He is, therefore, exonerated. In view of the above there is no need to prolong this case any more which is hereby disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 3rd day of April, 2008.




Hon'ble SCIC

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