

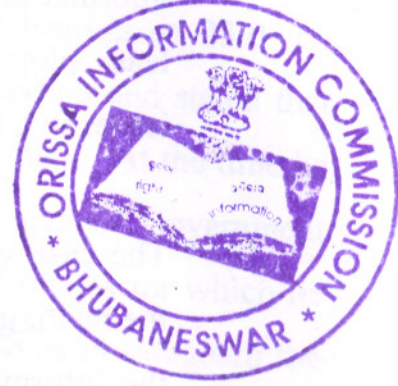
BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 16th September, 2008

Complaint Case No. 131 / 2007



Gnanendra Kumar Das,
Gangadharpur,
Bhiranga, Tiran,
Jagatsinghpur District.

At Present : Plot No-1059,

Laxminsagar,

Bhubaneswar-751006.....Complainant

-Vrs-

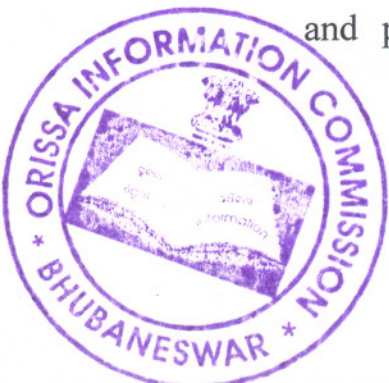
1. Public Information Officer
General Administration Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority,
General Administration Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Gnanendra Kumar is absent on repeated call. Braja Kishore Sahoo, PIO and Hariballav Mishra, ex-PIO of General Administration Department, (Department for short), Government of Orissa, Bhubaneswar are present. Heard. Perused the case record.

2. The Complainant in his RTI application dated 23/11/06 had sought information on the detailed list alongwith addresses and sketch map of lease plots allotted by General Administration Department and related issues in Chandrasekharpur, Patia and Ghatikia areas of Bhubaneswar.
3. The case was earlier heard on 06/11/07, 04/03/08 and 23/07/08. During the hearing on 06/11/07 the PIO had submitted that the information sought the information could not be furnishing. However, he stated that the details of allotted lease plots had been posted as per Section 4 of the RTI Act, 2005 in the Government website and the Complainant intimated regarding this vide letter no.25 dated 09/01/07.
4. Since the information supplied to the Complainant was beyond the stipulated period of 30 days he preferred first appeal before the appropriate authority on 23/12/06. The latter intimated the Complainant vide letter no.176 dated 06/03/07 that the information had been supplied to him by the PIO vide letter no.25 dated 09/01/07.
5. On perusal of records and hearing the opposite parties the State Commission is of the opinion that the Department has defaulted in compliance of the RTI Act both at the level of the PIO as well as the First Appellate Authority in maintaining the time line as stipulated by the Act. The State Commission expresses its concern for this Act of omission. However, the responsible officer i.e. Hariballav Mishra Former Land Officer of the Department and the present ADM, Cuttack is found responsible mainly for this delay.

6. As regards the delay, PIO submitted that the same had occurred at the level of ex-Land Officer, Hariballav Mishra. During the hearing on 23/07/08 Hariballav Mishra submitted his showcause memorandum and stated that the delay at his level was due to unintended circumstances. At the time he was handling numerous cases relating to encroachment of Government land in the capital city involving hundreds crores of rupees for which he was forced to attend to those cases on priority basis so as to safeguard the public interest. Some of them related to directions of the Hon'ble Supreme Court, New Delhi. This was also confirmed by the present PIO. The above submission of the ex-PIO, Hariballav Mishra was accepted by the State Commission.
7. While exonerating Hariballav Mishra, ex-Land Officer, General Administration Department with a benefit of doubt the State Commission had accorded final opportunity to the Complainant to take part in the hearing of the case to ascertain whether full and complete information had been supplied. Specific order dated 23/07/08 the Complainant is absent. Presumably he has received all the information or he has no interest in this matter.
8. RTI Act is time bound and by according low priority in dealing with the specific application in question, the State Commission believes that the Department responsible for modernizing Governance and Administrative reform etc. has not demonstrated its leadership values in this instant case.
9. The head of the Public Authority is directed to set up appropriate systems and process to deal with RTI applications and public disclosure of



important aspects of the Department as per Section 4 of the Act. The case is closed and disposed of accordingly.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 16th day of September, 2008.

[Handwritten Signature]
SIC 16/9/08



25