

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Shri Jagadananda, SIC

Date: 24th September, 2008

Complaint Case No. 14/2007

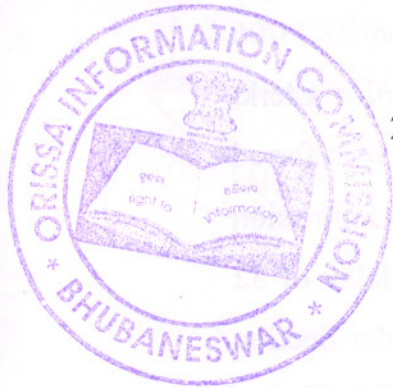
Sadhu Charan Behera,
At-Kalamatia,
PO-Dasarathipur,
Via-Baramba,
Cuttack district Complainant

-Vrs-

1. Public Information Officer,
Office of the Tahasildar,
Narsinghpur
Cuttack District
2. First Appellate Authority,
Office of the Tahasildar,
Narsinghpur,
Cuttack District Opposite Parties

Decision

1. Complainant Sadhu Charan Behera is present. Satyabadi Mallik, PIO-cum-Additional Tahasildar and Suwendu Kumar Das, Junior Clerk, office of the Tahasildar, Narsinghpur, Cuttack district are also present. Heard. Perused the case record. This arises out of second appeal dated 04/01/07 treated as a complaint after scrutiny, under the Orissa Information Commission (Appeal Procedure) Rules, 2006.
2. Complainant had filed form A application dated 15/09/06 with the PIO, office of the Tahasildar, Narsinghpur requesting for a copy of the case record in misc. case no. 3/96. The case was earlier heard by the State Commission on four occasions, namely 30/08/07, 04/10/07, 17/01/08 and 17/07/08. The PIO stated that, since information regarding misc. case



no.3/96 was not traceable in the office even after thorough search, he handed over a letter on 16/10/06 to Junior Clerk, Suvendu Kumar Das to deliver it to the Complainant indicating the said position. The Junior Clerk sent the said letter on 23/11/06.

3. The State Commission on 04/10/07 had directed the PIO to submit an affidavit duly sworn by the Tahasildar regarding the missing files/documents. In this regard, the PIO had submitted an affidavit dated 07/11/08 duly sworn in by the Tahasildar stating therein that even after thorough search the case record was not traceable in the office. The same had been perused and taken to record. The residual point remaining for a decision is the element of delay. In respect of form A application dated 15/09/06 (application fee deposited on 21/09/06) the due date of supply of information is 21/10/06. But the Complainant was intimated on 23/11/06 and thereby a delay of 32 days occurred at the level of Junior Clerk, Suvendu Kumar Das. In spite of repeated opportunities the above referred PIO would not establish his bonafides or innocence. The State Commission were, therefore, constrained to impose penalty on him for the delay of 32 days. An amount of Rs.8000/- is hereby imposed as penalty under Section 20(1) of the RTI Act, 2005 on Suvendu Kumar Das, Junior Clerk, office of the Tahasildar, Narsinghpur, Cuttack district for 32 days delay. He is directed to deposit the said penalty amount in 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 orders as provided under Rule 9 of the Orissa Right to Information Rules, 2005, failing which the penalty amount will be recovered from his salary by the Public Authority in 10 equal, consecutive monthly instalments for the month of October, 2008 payable in November, 2008. In case the penalty amount is still not realized from him, steps will be taken as per the provisions of Rule 13 ibid by the Public Authority.

4. Hence, the complaint case is allowed. Inform all concerned.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 24th day of
September, 2008.



SCIC

24-9-08

SIC / 24/9/08