

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 1st July, 2008

Complaint Case No.16/2007

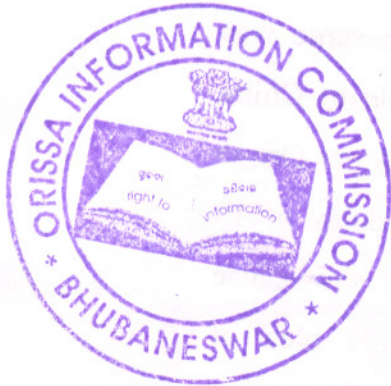
Gobardhan Prasad Dalai,

At/PO-Basta-756029

Balasure District.....Complainant

-Vrs-

1. Public Information Officer,
Directorate of Higher Education, Orissa,
Heads of Department Building,
Bhubaneswar.
2. First Appellate Authority,
Directorate of Higher Education, Orissa,
Heads of Department Building,
Bhubaneswar.....Opposite Parties



Decision

1. Complainant Gobardhan Prasad Dalai is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Iswar Chandra Majhi, Assistant Director (Direct Payment) and Chitta Ranjan Tripathy, Senior Assistant, Directorate of Higher Education, Orissa, Bhubaneswar are present. Heard. Perused the case record.
2. The complaint petition filed with the State Commission is dated 02/01/07. The case has been earlier heard on 04/09/07 and 05/12/07. The facts of the case are as follows:

Complainant had filed form A application dated 26/07/06 with the PIO, Directorate of Higher Education, Orissa, Bhubaneswar, who had sought the assistance under Section 5(4) of the RTI Act, 2005 (Act for short) of the Principal, Nilamani Mahavidyalaya, Rupsa vide letter no. 33462 dated 02/08/06. The said Principal furnished the required information vide letter no. 4148 dated 22/08/06 which was received on 25/08/06 by Iswar Chandra Majhi, Assistant Director. Thereafter, he marked it to Chitta Ranjan Tripathy, Senior Assistant on 26/08/06 who put up the matter the PIO on 12/09/06. Finally, the Complainant received the information on 25/09/06, free of cost. Pertinent to mention here is that the Complainant had been asked by the PIO to deposit Rs.48/- as the cost for providing information after expiry of 30 days. As it was a violation of Section 7 (6) of the Act, on the directions of the State Commission, the same was refunded in full. Therefore, delay of 16 days is attributable to Chitta Ranjan Tripathy, Senior Assistant. After deducting 3 days as per Orissa Records Manual as transaction time, he is responsible for delay of 13 days. He was given two opportunities of hearing. In his showcause memorandum (now on record) and oral submissions, his plea of innocence was based on heavy pressure of work while confessing to the delay at his level. Though given adequate opportunities to prove that he acted reasonably and diligently, he failed to place any acceptable grounds to explain the delay caused at his level from 26/08/06 to 12/09/06.

3. Upon consideration of all the appertaining facts of the case, the State Commission decided to impose a total penalty of Rs.3250/- for each day delay for 13 days on Chitta Ranjan Tripathy, Senior Assistant. The said amount will be deposited by him within 30 days from the date of receipt of this order failing which it will be recovered from his salary in 10 equal, consecutive, monthly instalments from the salary of July,2008 payable in August,2008 and will be deposited 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”.

4. The Public Authority i.e. Director, Higher Education, Orissa, Bhubaneswar will report compliance after the penalty is recovered in full. Inform the Complainant.
5. Hence the Complaint Case is allowed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 1st day of July, 2008.




SCIC

1-7-08