

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Shri Jagadananda, SIC

Date: 2nd September, 2008

Complaint Case No. 170/2007

with

Complainant Case No. 187/2007

Pradeep Kumar Jena,

Qrs No.BL/233,

Basanti Colony,

Rourkela-12,

Sundargarh district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Regulated Market Committee,
Panposh,
Rourkela-12,
Sundargarh district
2. First Appellate Authority,
Office of the Regulated Market Committee,
Panposh,
Rourkela-12,
Sundargarh district.....Opposite Parties.



Decision

1. The Complainant Pradeep Kumar Jena is found absent on repeated calls. His absence, however, is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. The Opposite Party, Ajay Kumar Pradhan, Junior Accountant-cum-APIO, Regulated Market Committee, (RMC for short), Panposh and Bhaskar Kumar Sabat, Senior Accountant, RMC, Panposh are present. Heard the Opposite Parties and perused both the above case record arising out of the same cause of action and between the same parties. On an

earlier occasion, that is 14/05/08, these two cases were heard by the State Commission and affirmative order was passed to tag up both the cases to be governed by a common order after analogous hearing. However, this complaint arises out of petition dated 12/02/07, which has been heard on four earlier occasions, viz. 21/11/07, 23/04/08, 14/05/08 and 22/05/08.

2. On the last date of hearing i.e. 22/05/08 it was observed by the State Commission that the PIO is prima-facie responsible for the delay of 51 days i.e. from 10/02/07 to 01/04/07. Accordingly, the PIO was directed to produce relevant documents today to discharge the burden of proof levied on him by law to prove his bonafides, if any. Accordingly, Ajay Kumar Pradhan, APIO submitted the xerox copy of the Issue Register and a copy of Handbook of Government of Orissa, Office Procedure Manual with record Management which requires officers to send local letter by office peons to save postal charges, to prove that he had acted reasonably and diligently. Perused the said documents. Relevant photocopies were kept on record.
3. The Complainant in his form A application dated 10/08/06 had expressed his desire to receive the information in person. It is proved by the documents filed by the APIO that though he had sent intimation on time to the Complainant, the latter did not appear to receive the information. The APIO further submitted that he had no malafides in dealing with the case and prayed the State Commission to exonerate him. He further stated that in the meantime i.e. on 02/04/07 the Complainant has received all information. His above stand has also


been accepted by the Complainant as observed by the State Commission in their earlier order dated 23/04/08 (paragraph-3).

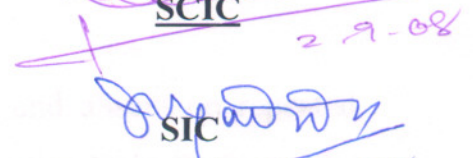
4. The State Commission upon careful consideration of the above discussed facts, circumstances and the documents are of the opinion that there was sufficient cause for the unintentional delay and that the APIO cannot be faulted. It is amply proved that the APIO had acted reasonably and diligently to co-operate with the Complainant. In view of the above conclusion the APIO cannot be said to have violated the provisions of Section 7 (1) of the RTI Act, 2005. He is, therefore, exonerated and both the above two cases are hereby disposed of by this common order and closed.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 2nd day of September, 2008.




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