

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Sri Jagadananda, SIC**

**Date: 9<sup>th</sup> September, 2008**

**Complaint Case No.277/2007**

Jayasmita Sahu,  
2 RA 5/7,  
Kalpana Flat,  
Bhubaneswar .....Complainant

-Vrs-

Public Information Officer,  
Health and Family Welfare Department,  
Orissa,  
Bhubaneswar.....Opposite Party



**Decision**

1. Complainant Jayasmita Sahu is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Dibakar Sahoo, PIO, Niranjana Dikhit, Senior Assistant and Rabindranath Sethy, Section Officer, both of referred PIOs, Directorate of Indian Medicine and Homeopathy ( DIMH for short) are present. Heard. Perused the case record. This case has arisen out of complaint petition dated 16/09/08.
2. The form A application dated 27/07/06 ( received on 28/07/06) was filed with the PIO, Health and Family Welfare Department, Government of Orissa, Bhubaneswar seeking some information concerning the transfer orders of Dr.Abhin Chandra. After scrutiny the PIO found that the information sought related to DIMH and thus

on 24/08/06 transferred the same under Section 6 (3) of the RTI Act, 2005. As reveals from the record all information have been belatedly supplied to the Complainant. The delay in transferring the application should be avoided in future. It should be done within 5 days.

3. The hearing of this case had commenced in the State Commission on 15/12/06 and, in the meantime, it has been heard on seven dates. The orders passed by the State Commission in this case on 20/09/07 and 18/07/08 are relevant for consideration of the focal issue of delay. At paragraph 4 of the orders dated 20/09/ 07 the following had been concluded by the State Commission.

“From a scrutiny of relevant notesheets it is seen that the file was retained with Sri Niranjana Dixit, Senior Assistant from 15/09/06 to 09/10/06. Hence he is responsible for the delay from 24/09/06 to 09/10/06 i.e. a period of 14 days.”

This was calculated after deducting the permissible period of a maximum of 30 days.

3. The PIO, DIMH in obedience to the direction of the State Commission at 18/01/08 procured the attendance of Rabindranath Sethy, Section Officer, DIMH on 18/07/08 as well as filed some relevant official documents indicating the involvement of the said Section Officer for the delay. Both the referred PIOs Niranjana Dikhit and Rabindranath Sethy were heard in person in presence of the PIO on 18/07/08. Niranjana Dikhit could not explain the delay of 14 days caused at his level. It was contended by Rabindranath Sethy that he was on leave from 09/09/06 to 14/09/06 and that he resumed office work on 15/07/06. The State Commission had directed Rabindranth

Sethy to prove his stand by submitting corroboratory official documents, if any. At the same time, opportunity was given to both the above referred PIO to explain their bonafides if any, by fixing the case to today.

4. Today Rabindranath Sethy submitted the copy of his leave application which has been allowed on 08/09/06 by his competent authority. On perusal, the State Commission were convinced on the existence of reasonable cause which proved the bonafides of Rabindranath Sethy, referred PIO. He was, therefore, exonerated. No penalty is ordered against him.

5. Niranjana Dikhit, referred PIO failed to explain the delay for which penalty of Rs.3500/- is imposed on him for the delay of 14 days @ Rs.250/- per day. The said referred PIO verbally requested the State Commission for passing order to recover the penalty amount in 10 equal instalments from his salary. The said request is allowed. The Head of his Public Authority is directed to recover the penalty amount of Rs. 3500/- as observed above. The recovery of the first instalment of Rs.350/- will commence from the salary of September,2008 payable in October,2008 and collected thereafter in equal, consecutive, monthly instalments of Rs.350/-

6 In case for some reason or other the penalty amount can not be recovered as directed above urgent steps shall be taken by the Head of the Public Authority to recover the same as arrears of land revenue as per the provisions of Rule 13 of the Orissa Right to Information Rules, 2005. Copy of this final decision be sent to the Director, DIMH for his




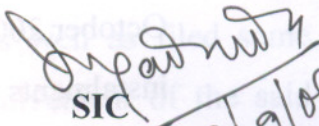
information and necessary action. The Public Authority is further directed after recovery of penalty amount, to deposit the same in the shape of Treasury Challan under Head "0070-other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005"and report compliance to the State Commission through the Registrar.

7. In view of the above findings the case of the Complainant is disposed of and closed.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 9th day of September. 2008.

  
**SCIC**  
9.9.08

  
**SIC**  
9/9/08



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