

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 17th July, 2008

Complaint Cases No. 285 / 2007 and 296 /2007



Manjulata Sahoo,
At-Kamarkhandi,
PO-Sri Baladev Jew,
Kendrapara,
Kendrapara District.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Treasury Officer,
Kendrapara,
Kendrapara District.
2. First Appellate Authority,
Office of the Treasury Officer,
Kendrapara,
Kendrapara District.....Opposite Parties

Decision

1. The above referenced two cases have been filed by the Complainant for the self same cause of action arising out of her form A application dated 27/01/07 which she had filed before the PIO, office of the Kendrapara District Treasury. The records show that she had deposited Rs.10/- on 22/01/07 in the Treasury as application fee. Making two photocopies of the said treasury challan, she filed two cases as referred to above. This, obviously, is a wrong and illegal action by the Complainant. Hence the State

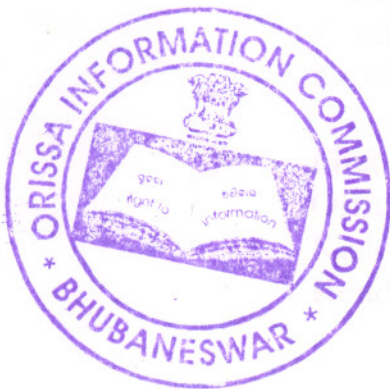
Commission, being satisfied that only one case existed, directed that both the cases be clubbed together and be governed by this common order.

2. Complainant Manjulata Sahoo is absent. She has authorised her brother Sarbeswar Sahoo to appear on her behalf. The said authorized representative filed the written authorization. The same was accepted. Kshitindra Nath Mohanty, ex-Treasury Officer-in-charge, Kendrapara Treasury, currently Deputy Collector, Nizarat, Kendrapara Collectorate was present. Heard both parties and perused the case record.
3. It is admitted by both the parties that the information sought related to payment of pension to the Complainant vide PPO no.29306(s)f. It is submitted by the PIO that all information sought for by the Complainant after long-drawn thorough search have been provided to her vide letter no.859 dated 02/03/07. The authorised representative of the Complainant also admitted to the fact of receipt of letter no.859 dated 02/03/07. He did not express any harassment by the ex-Treasury Officer-in-charge.
4. The form A application is dated 27/01/07. The maximum period of 30 days prescribed under Section 7 (1) RTI Act, 2005 computed from 28/01/07, expired on 26/02/07. The PIO admittedly supplied information on 02/03/07. Thus delay of 4 days appears to have been caused by the PIO.
5. From the above submissions of the PIO existence of reasonable cause for the delay has been amply established. Therefore, the PIO cannot be held charged for any deliberate delay.

6. To sum up the facts in terms of the legalities involved in the case, the Complainant had received all information, free of cost, from the PIO and the marginal delay of 4 days was neither deliberate nor ill-intentioned. Hence the ex-PIO, Kshitindra Nath Mohanty is exonerated and the case is disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 17th day of July, 2008.




SCIC

17-7-08