

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 16th July, 2008

Complaint Case No.56/2007



Satya Narayan Sahu,
Palace Street,
Old Andhra Bank Building,
Parlakhemundi-761200,
Gajapati District..... Complainant

-Vrs-

Public Information Officer,
Office of the Commissioner of Endowments, Orissa,
Behind Civil Court Building,
Bhubaneswar-751014..... Opposite Party

Decision

1. Complainant Satya Narayan Sahu is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Amar Kumar Das, PIO, Akshaya Kumar Mohanty, ex-Secretary (retired on 31/03/08) and Anup Kumar Ghosal, Senior Assistant, office of the Commissioner of Endowments, Orissa Bhubaneswar are present. Heard. Perused the case record.
2. The case has been earlier heard by the State Commission on 12/09/07, 03/01/08, 09/05/08 and 01/07/08. The facts of the case are as follows:
 - (a) The Complainant sent by post form A application dated 12/09/06 to the PIO, office of the Commissioner of Endowments, Bhubaneswar which was received by the PIO on 16/09/06. In his letter no. 12779 dated 13/11/06, the PIO intimated the Complainant to deposit Rs.2/- in cash towards cost of information. The PIO on the same date vide his letter no.

12781 also supplied the information to the Complainant. The Complainant in his application had wanted to know the date from which the Endowment Commission had taken over the private matha belonging to Sri Radhacharan Das Babaji alongwith the number and date of the Gazette Notification in that connection.

(b) Anup Kumar Ghosal submitted that he received the form A application dated 12/09/06 (received in the office on 16/09/06) on 21/09/06 and endorsed the same to the Section Officer on 24/09/06, who sent the RTI application to the Secretary on 27/09/06. The then Secretary, Akshaya Kumar Mohanty submitted that on 27/09/06 he endorsed the file to the Deputy Commissioner. The file returned with order on 03/10/06. The Dealing Assistant put up the file with a draft letter of reply. The Section Officer endorsed the file on 05/10/06 to the Secretary who in turn endorsed it on 10/10/06 to the Deputy Commissioner, who asked to see the Property Register. Therefore, the Secretary asked the Record Keeper on 12/10/06 to furnish the approved Property Register, as there was an entry in the Management file that the Property Register has been approved by the Commissioner of Endowments vide order no.89 dated 20/01/1945 . Akshaya Kumar Mohanty further explained that according to prevalent orders, the approved Property Register was supposed to be in the custody of the Secretary for preservation but since the same was not available with him, he asked the Record Keeper to locate the same. Consequently, the file remained pending with him from 18/10/06 to 26/10/06. The information was finally supplied on 13/11/06.

3. In terms of the principles of natural justice, Akshaya Kumar Mohanty was accorded second opportunity to explain the delay of 7 days at his level (after deducting the date of receipt and release of the file). Akshaya Kumar Mohanty submitted his showcause memorandum and reiterated


his previous prayer stating that there was no malafide intention in withholding the information of the Complainant. The delay according to him, was circumstantial and not intentional. This was not an acceptable explanation as it is obligatory on part of officers to be alert and quick in handling time bound RTI requests.

4. Upon consideration of the appertaining facts of the case, the State Commission decided to impose penalty of Rs.1750/- @ of Rs.250/- for each day delay for 7 days on Akshaya Kumar Mohanty, ex-Secretary (since retired). The said amount will be deposited in one instalment by him within 30 days from the date of the receipt of this order in the Government 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".
5. In case the above penalty amount is not recoverable due to some reason or other, the steps should be taken by the concerned Public Authority for realization as per provisions of Rule 13 of Right to Information Rules, 2005. The Public Authority will report compliance to the State Commission after the penalty is recovered.
6. Hence the complaint case is allowed. Inform the Complainant.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 16th day of July, 2008.




SCIC
16.7-08

BS