

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 21st July, 2008

Complaint Case No.620/2007

Ashok Kumar Das(A)
House No.S-5/313, Niladri Vihar,
P.O.-Sailashree Vihar-751021,
Chandrasekharpur,
Bhubaneswar.....Complainant

-Vrs-

1. Public Information Officer,
Works Department,
Government of Orissa,
Secretariat,
Bhubaneswar
2. First Appellate Authority,
Works Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Ashok Kumar Das(A) is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Gangadhar Mohanty, APIO-cum- Under Secretary, Works Department, Government of Orissa, Secretariat, Bhubaneswar is present. Heard. Perused the case record.

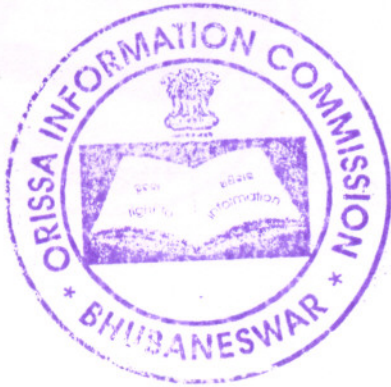


2. This case was earlier heard on 22/04/08 when the Complainant was present. He had wanted to know in form A application dated 08/03/07 from the PIO, Works Department, Government of Orissa, Secretariat, Bhubaneswar, the date by which his arrear salary for the period from 12/03/96 to 30/04/06 pertaining to his period of incumbency in IDCO will be paid by the Government of Orissa in Works Department as done by Government in Works Department in respect of two other engineers. The APIO submitted that as the Complainant had not asked for any material by way of document/ record/ note /extracts etc in terms of Section 2 (f) of the RTI Act, 2005, the PIO had rejected the request and intimated him in form C on 11/04/07. The APIO further submitted that the Complainant worked as a Stipendiary Engineer and Assistant Engineer on deputation to the IDCO during the period in question, who are considered as a foreign employer. The salaries and other dues as admissible as per Government Rules were to be borne by the foreign employer. Those dues cannot be borne out of the Consolidated Fund of the State. Since the arrear salaries are payable by the IDCO there was no scope for the Works Department to specify the date of drawal and disbursement of arrear salary He also explained that their exercises now have revealed that in the case of the other two Assistant Engineers on deputation to IDCO, Works Department had erroneously paid the dues which are now under recovery. As regards delay of 2 days, the APIO pleaded that there was no malafide intention but had occurred as information had to be collected from several sources including IDCO and involved financial and legal issues.

3. In view of the above position, the delay of 2 days is condoned and the case is disposed of and closed. No orders on penalty. Inform the Complainant.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 21st day of July, 2008.




SCIC

21.7.08