

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 26th July, 2008

Complaint Case No. 68 / 2007



Padmanava Sahu,
Vill /PO-Kasinagar,
Gajapati District.....Complainant

-Vrs-

Public Information Officer
cum-Officer in-charge of General Misc. Section,
Gajapati Collectorate,
Parlakhmundi,
Gajapati District.....Opposite Party

Decision

1. Complainant Padmanava Sahu is absent. The same is condoned as per Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Bhabani Prasad Misra, PIO, Gajapati Collectorate, Debendra Nath Behera, Head Clerk, Nalini Chandra Nayak, Senior Clerk, Gosani (Parlakhemundi) Block, Gajapati district are present. Heard the opposite parties and perused the case record. This case has arisen from complaint petition dated 19/01/07.
2. It reveals from the record that this case was earlier heard by the State Commission on 18.09.07, 03.10.07 and 24.01.08. Upon consideration of the facts that the form A application was dated 31.10.06 and defence taken by the PIO was not acceptable that he had orally informed the Complainant on 18.11.06 to receive the reply and the latter did not extend

any co-operation, the State Commission had directed the opposite parties (PIO / referred PIOs) to submit affidavits duly sworn, in support of the above stand. Accordingly, the PIO and the referred PIOs have sworn affidavits before the Executive Magistrate, Parlakhemundi and filed the same before the State Commission. There were perused and taken to record. It has been averred in the said affidavits that the Dealing Assistant Nalini Chandra Nayak had verbally informed the Complainant on 18.11.06 that no information were available / traceable in the Public Authority and in case the information is traced out they will be provided to him.

3. It is submitted by the PIO that the Complainant had sought copies of the orders dated 10/11/06 and 22/08/06 of the Collector and District Magistrate, Gajapati district relating to removal of cabins at Kasinagar. The said dates given by the Complainant were misleading as no orders had been passed by the Collector concerned for removal of cabins at Kasinagar as alleged.
4. In view of the fact that the opposite parties have filed sworn affidavits in original before the State Commission to the effect that the information sought did not exist in the Public Authority as no such orders had been passed by the Collector and District Magistrate, Gajapati district, the case of the Complainant is found to be devoid of any merit and thus dismissed. Inform the Complainant.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 26th day of July, 2008.


SCIC

26.7.08

25