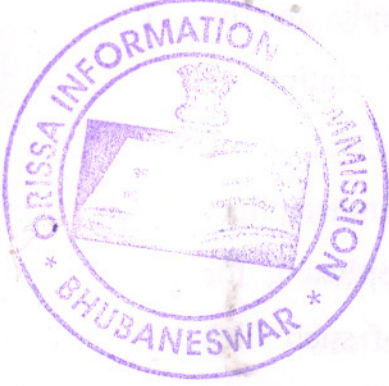


**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

**Present: Shri Jagadananda, SIC**

**Date: 10<sup>th</sup> September, 2008**

**Complaint Case No. 726 / 2007**



Himansu Ranjan Mohanty,  
At/PO-Taratua,  
Via-Khurda,  
Khurda District.....Complainant

**-Vrs-**

Public Information Officer  
Forest and Environment Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.....Opposite Party

**Decision**

1. Complainant Himanshu Ranjan Mohanty is absent. The same is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Gajendra Behera, Under Secretary-cum-PIO, Forest and Environment Department is present. Heard. Perused the case record.
2. The case was last heard on 26.06.08. It reveals from the record that the form A application dated 14/03/07 was received by the PIO on 15/03/07. The Complainant had sought for (i) certified photocopy of the notesheets of and correspondences made from file no.2F(F)(166)/2004, (ii) certified photocopy of intimation of PCCF

Orissa in response to letter no.15587/F.E dated 09/10/04, and (iii) certified photocopy of notesheets of and correspondence from File no.2F(F) 61/2004. The PIO had endorsed the RTI request to their F.E. Section II to furnish required information. The said section after obtaining orders of the Special Secretary sent a reply to the Complainant vide letter no. 5664/FE dated 12/04/07 stating as follows.

“The copy of the file sought for by him deals with gross indiscipline, misconduct and fraudulent practices adopted by the Applicant, for which he has been proceeded against. Hence copies of such files could not be supplied for the time being till completion of the enquiry”.

3. From the above factual analysis it appears that the response by the PIO is within the maximum prescribed time in as much as the form A application received by the PIO on 15/03/07 has been duly replied by him on 12/04/07.
4. Further, the PIO who is present today pointed out that the Complainant was intimated vide letter no. 5664 dated 12.04.07 that the copy of the file sought for by him could not be supplied for the time being till completion of the enquiry and his above action is protected under Section 8 (1) of the RTI Act, 2005 (Act for short) in as much as disclosure of such information would impede the process of enquiry / investigations.

5. On perusal of the earlier orders of the State Commission passed in this case it is seen that the Complainant had submitted that a government servant is entitled to inspect the files and get copies of the documents/records in the disciplinary proceeding as per Rule 15 (3) of O.C.S (CC and A) Rules 1962.
6. Today the Complainant is absent despite notice. We are in agreement with the PIO's submission that disclosure of details of the information will impede the process of enquiry / investigation as enshrined in Section 8 (1) (h) of the Act.
7. The PIO is directed to expedite completion of the process of enquiry and furnish the permissible information to the Complainant soon after the enquiry is complete.
8. Subject to the above direction 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 10<sup>th</sup> day of September, 2008.



*[Handwritten Signature]*  
**SIC**  
10/9/08