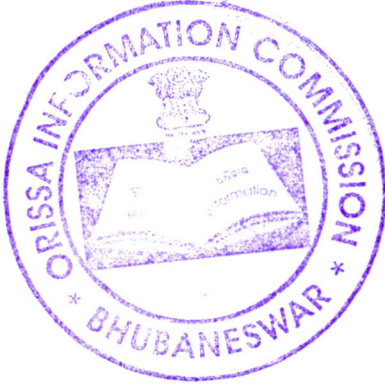


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**



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

Date 28th January, 2009

Second Appeal No.228/2007

Subash Chandra Panda,
Asst. Project Manager (Civil),
The Orissa State Police Housing and
Welfare Corporation,
Bhoinagar, Janpath,
Bhubaneswar- 751022Appellant

-Vrs-

The Public Information Officer,
The Orissa State Police Housing and
Welfare Corporation Ltd., Bhoinagar, Janpath,
Bhubaneswar-751022Respondent

Decision

1. Appellant Subash Chandra Panda is absent on call. His absence cannot be condoned as per Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as he had been directed vide order dated 22/10/2008 to appear in person or through his authorised representative to arrive at a finality in this matter failing which the case would be heard exparte and disposed of on merits. The said orders had been communicated by speedpost. Sri Aditya Mishra, learned Advocate representing the Respondents is present. Heard him. Perused the case record. This matter arises out of second appeal dated 08.06.07, and heard twice earlier.
2. This case was last heard by the State Commission on 22/10/2008. On that day the Appellant was absent. The date of form-A application is 8/3/2007. It was received by the PIO the same day and the information provided on 24/5/2007 after the statutory interference by the First Appellate Authority.

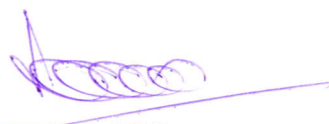
The PIO submitted that as the second appeal in form E is dated 8/6/2007 the same according to him, was neither maintainable in law nor had any merit whatsoever since the Appellant by his own action had culminated the process of furnishing information as sought by him at least on two occasions, that is, before the First Appellate Authority and Orissa Information Commission before expiry of the stipulated period. The appeal as such was, therefore, not maintainable in law and deserved to be dismissed in limine. The PIO further informed that the Appellant had sought for supply of imaginary information on a self designed tabular form which admittedly was not maintainable.

3. The State Commission felt that this issue needed to be sorted out in the presence of the Appellant. Hence the case was deferred on two occasions to hear the Appellant. But he has been absent on all the three occasions despite adequate notice through speedpost.
4. In view of the above situation, the State Commission opined that the Appellant, it seems, is neither interested to participate in the hearing as evident from his persistent absence nor interested to get his required information. Therefore, the State Commission considered to dispose of the case without any orders on penalty as the PIO had taken timely action within the stipulated time under the RTI Act, 2005. Inform the Appellant. He can, however if he so wishes file a fresh application in this matter for obtaining the information.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 28th day of
January, 2009




SCIC
28-11-09