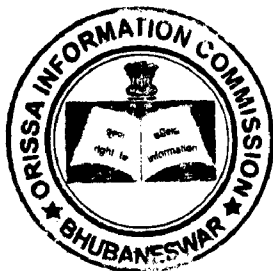


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



Present.: **Hon'ble Shri D.N. Padhi, S.C.I.C**
and
Prof. Radhamohan, S.I.C

Dated. 16th of June, 2006

Complaint Case No 122 / 2005

Sri Pramod Kumar Pattanaik
Advocate-cum-Part Time Lecturer
Lingaraj Law College,
(under Berhampur University),
Presently residing at Nehru Nagar,
6th lane, P.O. P/s. Gosaninuagam,
District: Ganjam (Orissa).....Appellant

-Vrs-

1. Sri B.B.Lenka, O.A.S (1) S.B.
Deputy Secretary to the Governor
of Orissa and Public Information
Officer, Raj bhavan, Orissa.....
2. Sri Debaraj Mishra
Under Secretary to the Governor of Orissa
Cum-Public Information Officer,
Raj Bhavan, Orissa.
Bhubaneswar.....Opposite Parties.

Decision

1. The Complainant is absent on repeated calls. His absence is condoned as per the provisions of Rule 9 (2) of OIC (Appeal Procedure) Rules, 2006 without vitiating the proceedings. The PIO Sri Debaraj Mishra, Under Secretary to Governor, Orissa is present. The 1st Appellate Authority is absent at the time of hearing.
2. Sans unnecessary details, the Complainant needed many information from the PIO on 21/10/2005 which were supplied to him except item No. (A).

" Extracts of all orders and notes made and further steps if any taken for implementation in respect of the Memorial dated 28/12/90 submitted by the Complainant before the then Hon'ble Chancellor Sri J.D.Sharma".
3. The PIO Sri Mishra submits that vide letter No.10148 dated 18/11/05 he has supplied the information to the Complainant within the stipulated time except the one referred to above. He, in express words, has indicated in the said letter that the relevant record was not available and, therefore, under the circumstances it was not possible to provide the information sought for. He further submits that the

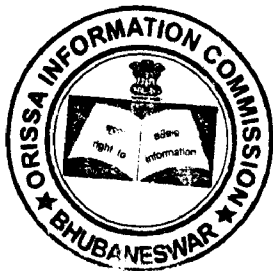
issue was dealt with in File No.U-III-36/91 and it being a 'C' class file had been destroyed on 30/12/2003 according to the provisions of the Record Manual. The PIO files documents in support of the above submission. It reveals from the copy of the certificates in File No.26-58/2003 that the files as per the list annexed to the certificate have been destroyed on 30/12/03. There appears substantial force in the above submissions of the PIO which also get ample corroboration from the above official documents filed by him.

4. After having held as above, the State Commission keeping in view that supply of clear and unambiguous information to the citizen is the rule, direct the PIO Sri Mishra to inform the Complainant in clear and express words that the related file No.CL-U 36/91 has been destroyed on 30/12/03 as per codal norms contained in the Record Manual. The PIO is further directed to intimate the Registrar, Orissa Information Commission that he has implemented directions given as above.

With the aforesaid observations the Complainant case is disposed off.

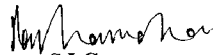
Pronounced

Given under the hand and seal of the State Commission, this the 16th day of June, 2006.




Hon'ble S.C.I.C

16.6.06


S.I.C 16.6.06