

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Dated. 30th May 2006

Second Appeal No 7 / 2006

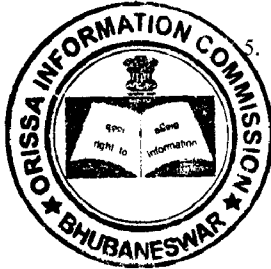


Sri Umakanta Mishra,
Plot-No.1608/E, Vill- Lingipur
Po: Sishupala
Dist: Khurda.....Appellant

-Vrs-

Sri Pratap Chandra Jena,
Secretary,
Orissa Khadi and Village Industries Board
Bhubaneswar
Dist: Khurda.....Respondent

1. Appellant Sri Umakanta Mishra is present. Sri Pratap Chandra Jena, Secretary Orissa Khadi and Village Industries Board (1st Appellate Authority) is also present. Heard both sides to their satisfaction.
2. The Appellant in his Second Appeal dated 18/01/2006 has called into question the legality of the decision dated 28/12/05 of the Secretary, Orissa Khadi and Village Industries Board in upholding the decision dated 28/11/05 of the Public Information Officer (Deputy Secretary of the said Board). The Public Information Officer by this above decision dated 28/11/05 had rejected the request of the Appellant with an observation that supply of the information sought is hit by the provisions of Sec 8 (i) and (j) of the Right To Information Act, 2005 (hereinafter called as the 'Act' in short).
3. The decisions of both the Public Information Officer and the 1st Appellant Authority are subjected to legal scrutiny. The Appellant sought for the copy of the day to day ordersheet maintained by the Enquiry Officer in the Departmental Proceedings started against him, copy of the notes of the Secretary of the Board submitted to the Principal Secretary Industries & final orders passed thereon, copy of the notes of the Secretary submitted to the President of the Board and the order passed thereon in file on 07/03/05 and copy of the letter of his dismissal as passed by the President.
4. As found from the decisions of both the forums, i.e. Public Information Officer and 1st Appellant Authority, an erroneous approach seems to have been adopted to conclude that the information sought for relate to personal information the disclosure of which has no relationship to any public activity or interest. The Appellant had sought information relating to the hazards of his service. Supply of



such information shall not cause any unwarranted invasion on his privacy. Thus the State Commission is of the considered view that the information sought for by the Appellant is not covered by either of the provisions of Sec 8 (i) or Sec (j) of this Act.


It is urged by the Respondent (Public information Officer) that Kharabela Nagar Police Station Case No., 279 dated 11/12/02 has been registered against the Appellant u/s 409/468 and u/s 471 Indian Penal Code and the Crime Branch (CID-C. B.) has taken up investigation of the case. The Respondent further submitted that supply of the information sought for will be hit by the provisions of Sec (h) of the Act. The Police Case was registered in 2002. As of now the investigation must have been completed. The Respondent is not in a position to say about the present stage of the investigation or the case. He only urged that many relevant records of the Board having been seized by the Crime Branch, it may not be possible to provide the required information to the Appellant.

6. It is only the Investigation agency who can throw light on the present position of the Police case as the submissions of the Respondent are based on surmises and conjectures.
7. For the reasons aforesaid, while setting aside both the concurrent refusal decisions of the Public Information Officer and the 1st Appellant Authority, the State Commission hereby direct the 1st Appellate Authority to facilitate supply of information to the Appellant on or before 06/06/06 on receipt of the required fees to be paid by the appellant. The 1st Appellant is at liberty to utilise the help of the Public Information Officer to comply with the above direction in as much statutorily it is the Public Information Officer's legal obligation to provide the information to the applicant.
8. As regards the case with the Crime Branch, the 1st Appellant Authority and the Public Information Officer will obtain the views of the Investigating agency on whether the information sought for by the Appellant can be supplied to him or not u/s 8 (h). The 1st Appellant Authority and the Public Information Officer shall keep the Appellant informed about the steps taken by them in the above issue.

Thus Second Appeal is allowed. Inform all concerned for compliances of above orders on 20/06/06. Both parties will appear before the State Commission to report compliance.

Pronounced

Given under the hand and seal of the State Commission, this 30th day of May 2006.


Hon'ble S.C.I.C
30.5.06
S.I.C 31.5.06