

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present:- :- Hon'ble Sri D.N. Padhi, SCIC

And

Prof Radhmohan, SIC

Dated:- 20th April, 2007

Second Appeal No 131/2006

Dr. Jyotsna Rani Sahoo,
Lecturer-in-English,
65, Budheswari Colony,
Bhubaneswar-751006.....Appellant

-Vrs-

1. Public Information Officer,
Higher Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority
Higher Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Respondents

Decision

1. Appellant Dr. Jyotsnarani Sahoo is absent. Her absence, however, will not adversely affect the merits of her case in view of the provisions of Rule 9 (2) of Orissa Information Commission (Appeal Procedure) Rules, 2006. PIO Shri Ramakanta Rath, Higher Education Department and Shri Surendra Mohapatra ex-Section Officer, Higher Education Department and presently Section Officer, Planning and

Co-ordination Department are present. Heard. Perused the case record.

2. The case was last heard on 07/02/07 when the State Commission had directed the PIO to supply complete information by 17/02/07 without demanding any cost for providing the information and directed Shri Surendra Mohapatra to appear before the State Commission at whose level the RTI application had been delayed inordinately while he was in Higher Education Department and explain the same.
3. The ex-Section Officer Shri Mohapatra submitted his showcase memorandum today and pleaded that the delay in supplying the information to the Appellant was not intentional; the same was only due to non-availability of records and connected files dealing with the case of Appellant. The connected case file was endorsed to Section IV (A) by the PIO on 26/07/06. The Dealing Assistant put up the file to him on 03/08/06 without the required information relating to validation of service. Dealing Assistant mentioned in his note that no steps had been taken by Government yet for approval of the post held by the Appellant as no proposal had been received from the Director, Higher Education.
4. In the meantime the Appellant submitted on 22/07/06 a grievance petition to the Commissioner-cum-Secretary, Higher Education Department for consideration of her case under Validation Act, 1998. For want of the verification report of the College the case could not be put up on time, despite best efforts.


5. Shri Mohapatra further submitted that on his personal effort he found the related old file dealing with the validation of services of the lecturers of the Colleges. Then the case was examined by him and put up to Deputy Secretary on 07/09/06 for obtaining the orders of Commissioner-cum-Secretary in the matter. But the said file was returned to him on 16/09/06 alongwith the marginal orders to directly submit the same to the Additional Secretary of the Department, which he did on 18/09/06 for obtaining orders of Commissioner-cum-Secretary. Finally, the information was supplied vide letter no.883 dated 21/02/07.
6. After having heard the parties the State Commission is of the view that the delay caused in providing the information is not actuated by any malice. On the contrary the Dealing Assistant has exerted diligent personal efforts to provide the information. Hence Shri Mohapatra is exonerated of the charges. The case is disposed off and closed.

Pronounced

Given under the hand and seal of the State Commission, this the 20th day of April, 2007.


Hon'ble SCIC

20.04.07


SIC

P. Singh