

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Date: 20<sup>th</sup> May, 2008**

**Complaint Case No.188/2007**

A.K. Upadhyay,  
Factory Manager,  
Birla Tyres,  
PO-Chhanpur-756056,  
Balasore District .....Complainant

-Vrs-

Public Information Officer,  
Labour and Employment Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.....Opposite Party



**Decision**

1. Complainant A.K. Upadhyay is absent. However, he is represented by Rajesh Kumar Rai, Factory Manager, Birla Tyres, Balasore District on the strength of an authorization letter. Louis Ekka, Deputy Labour Commissioner, Cantonment Road, Cuttack is present. Heard. Perused the case record.
2. The Complainant had filed two form A applications both dated 28/08/06 with the PIO-cum-Under Secretary, Labour and Employment Department, Secretariat, Bhubaneswar requesting in application no. 01 a copy of the verification report / file notings on the authenticity of affidavits including enquiry report / file notings regarding personal interrogation of workmen based on which order no.1967 dated 20/07/06 was passed by the Additional Registrar of Trade Union-cum-Deputy Labour Commissioner, Orissa, Cuttack and in application

no.02 requesting for the list of additional 243 contractor workmen who have been allegedly shown as valid members.

3. The case was last heard on 07/11/06. The PIO had submitted that he had supplied the information to the complaint vide letter no.8693 dated 27/09/06. Anoj Kumar Agarwal on behalf of the Complainant had mentioned that the information supplied by the PIO were false and misleading. He had urged that disciplinary proceedings may be initiated against him. The PIO of the Labour and Employment Department had submitted on 07/11/07 that information were supplied to the Complainant on the basis of the report of the Deputy Labour Commissioner, Orissa, Cuttack. To understand the crux of the matter, notice was issued to Louis Ekka, Deputy Labour Commissioner, Cantonment Road, Cuttack to appear before the State Commission today.
4. Louis Ekka submitted that the Complainant had lodged a request with the Labour Commissioner, Orissa for cancellation of the registration of Birla Tyres Workers Union and that the management had also simultaneously preferred a writ petition before the Hon'ble High Court, Orissa, Cuttack inter alia challenging the action of the Registrar of Trade Union in the matter of cancellation of registration certificate granted to Birla Tyres Workers Union under the Trade Union Act, 1926. The Hon'ble High Court of Orissa vide its order dated 28/02/06 in WP (c ) no.994/2006 had been pleased to direct disposal of the matter in accordance with the law.
5. In compliance to with the above direction of the Hon'ble High Court, Orissa, Cuttack, enquiry was conducted in the office of the District Labour Officer on 12/05/06 wherein the office bearers of the Birla

Tyres Workers Union produced the registers and records which were verified. The Complainant submitted that the affidavits submitted to the Deputy Labour Commissioner were false. This is a matter that the State Commission is not legally mandated to redress.

6. After hearing the parties, the State Commission are of the opinion that as the information were supplied to the Complainant within the maximum time period under Section 7(1) of the RTI Act, 2005 no action under Section 20(2) of the Act can be contemplated. It was clarified to the Complainant that State Commission can only ensure supply of permissible information within the time prescribed. It is upto the Complainant/Appellant as to how to use it and, if necessary, have the veracity challenged in an appropriate forum. It was also held that no case was made out by the Complainant to attract disciplinary proceedings under Section 20 (2) of the Act against the PIO, Labour and Employment Department or Shri Louis Ekka.

7. In view of the above position as there is no delay, the case is disposed of and closed.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 20<sup>th</sup> day of May, 2008.



SCIC

20.5.08