

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 30th April, 2008

Complaint Case No.54/2007

Dr. Sudhakar Mohapatra,
At-Noorpur Road,
PO- Motiganj-756003,
Balasore DistrictComplainant

-Vrs-

Public Information Officer,,
Directorate of Higher Education,
Heads of Departments Building,
Orissa,
BhubaneswarOpposite Party



Decision

1. Complainant Sudhakar Mohapatra is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Purnendu Pattanaik, Senior Assistant, Chaitanya Charan Mohapatra, Senior Assistant, Sankarsan Dhir, Senior Assistant and Iswar Chandra Majhi, Assistant Director all of the Directorate of Higher Education, Orissa, Bhubaneswar are present as referred PIOs. Heard. Perused the case record.
2. It reveals from the record that the case was earlier heard on 12/09/07, 03/01/08 and 08/02/08. In order dated 08/02/08, the State Commission had observed that Chaitanya Charan Mohapatra, Senior Assistant and Sankarsan Dhir, Senior Assistant as the referred PIOs were prima-facie responsible for delay of 22 days and 5 days respectively. Both the

referred PIOs had orally submitted that they were unaware of the provisions of the RTI Act, 2005 (Act for short) and implications of delay and were otherwise busy on other official work. They were apprised that this explanation is not acceptable.

3. When both the above referred PIOs have not been able to establish their bonafides or innocence, except claiming ignorance of the law the State Commission were of the opinion that it was a fit case to impose penalty in terms of Section 20 (1) of the Act on them for the respective days of delay caused by them. An amount of Rs.5,500/- is hereby imposed as penalty on Chaityana Charan Mohapatra for 22 days delay whereas an amount of Rs.1250/- is imposed as penalty on Sankarshan Dhir for 8 days delay under Section 20 (1) of the RTI Act, 2005. They may deposit the said penalty amount in the "Treasury under Head "0070-other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005" within 30 days of receipt of this order as provided under Rule 9 of the Orissa Right to Information Rules, 2005 (Rule for short).
4. In case they fail to deposit the said amount in the Treasury, the Head of the Public Authority shall recover the said penalty from their salary from the month of May,2008 payable in June 2008 in two consecutive equal monthly instalments.
5. If for any reason the amount cannot be recovered from them, the Public Authority will initiate action to realize the said amount in accordance with the provisions of Rule 13 ibid.

6. Thus the case is allowed. Inform all concerned including the Head of the Public Authority.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 30th day of April, 2008.



SCIC

30.4.08

