

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 13th May, 2008**

**Complaint Case No.931/2007**



Sashibhushan Rath

At/PO-Begunia,

Khurda District .....Complainant

**-Vrs-**

Public Information Officer,

Office of the Panchayat Samiti,

Begunia,

Khurda District.....Opposite Party

**Decision**

1. Complainant Sashibhushan Rath is present. Gobinda Chandra Moharana, PIO-cum-Progress Assistant, office of the Panchayat Samiti, Begunia, Khurda District is also present. Heard. Perused the case record.
2. The case was last heard on 11/03/08, when the Complainant had mentioned that on 30/08/07 he had gone to the office of the Begunia Panchayat Samiti to file form A application but the PIO did not receive it. Then he went to the BDO to submit the form A application, who also refused to accept the RTI application. The Complainant, it seems, finding no way out, sent the form A application dated 30/08/07 under Certificate of Posting on 19/09/07 ( not 09/09/07) to the PIO, Begunia Panchayat Samiti, Khurda District seeking information on the water supply arrangement to Ward No.14 ( Bhagalpur road portion) of Begunia Gram Panchayat. The PIO mentioned that he received the

application on 01/10/07 and supplied the information on 28/11/07. Apparently, there is a delay of 28 days after deducting the maximum time period of 30 days transaction time available under the RTI Act.2005 ( Act for short).

3. As the PIO could not explain the reasons for not accepting the form A application dated 30/08/07, the State Commission designated Sub-Collector, Khurda as Authorised Officer under Rule 7 (1)(c) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006 to enquire into the matter and report compliance to the State Commission through the Registrar by 08/05/08. The Sub-Collector, Khurda vide letter no.1851 dated 07/05/08 intimated the State Commission that he conducted an enquiry on 15/04/08 and he ascertained that there was no proof to establish refusal to receive the application either by the PIO and the First Appellate Authority (BDO) on the application furnished by the Complainant. However, as the information was supplied to the Complainant only on 28/11/07, there was a delay of 28 days at the level of the PIO.
4. As observed Gobinda Chandra Moharana , PIO-cum-Progress Assistant, Begunia Panchayat Samiti, Khurda District had caused inexplicable delay of 28 days. The Sub-Collector, Khurda after enquiry has also confirmed the delay due to the lack of diligence by him. He was asked whether he would like to avail of another opportunity, in keeping with the principles of natural justice, to explain his position. He refused stating that he accepted the fact of delay at his level. Thus a penalty of Rs.7,000/- is imposed @ Rs.250/- per day for 28 days which, he may deposit 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. Both the PIO and First Appellate Authority are exonerated of the charges of refusal to receive the form A application.

5. Incase he fails to deposit the said amount, the Head of the Public Authority will recover the said penalty from his salary for the month of June,2008 payable in July 2008 onwards in seven equal, consecutive, monthly instalments.
6. If for any reason the amount cannot be realised from the salary of Gobinda Chandra Moharana, the Public Authority will initiate action to realize the said amount in accordance with the provisions of Rule 13 ibid. Thus the appeal is allowed. Inform the BDO, Begunia Panchayat Samiti, Khurda District.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 13<sup>th</sup> day of May,2008.



  
SCIC

13-5-08

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