

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**&**

**Professor Radhamohan**

**Date: 25th January, 2008**

**Complaint Case No.198/2006**



Pravat Kumar Mohanty,  
At-Kuanar Chatar,  
PO-Tiadisahi,  
Via-Pirahat Bazar,  
Bhadrak -756131.....Complainant

-Vrs-

1. Public Information Officer,  
Gobindapur Gram Panchayat,  
Tihidi Block,  
Bhadrak,
2. Nilamani Nayak  
Cum-First Appellate Authority,  
Gobindapur Gram Panchayat,  
Tihidi Block,  
Bhadrak.....Opposite Parties

**Decision**

1. Complainant Pravat Kumar Mohanty is present. Ajaya Kumar Bal, Secretary, Gobindapur Gram Panchayat, Tihidi Block, Bhadrak District is also present. Heard. Perused the case record. Srikant Biswal, ex-Sarpanch, Gobindapur Gram Panchayat is absent, though the Sub-Collector, Bhadrak was asked to ensure his presence.

2. The case was last heard on 04/10/07 when the State Commission directed the Secretary, Gobindapur Gram Panchayat to provide information to the Complainant on 16/10/07. Ajaya Kumar Bal, Secretary of the said Gram Panchayat mentioned that he had supplied all the information to the Complainant on 16/10/07 duly acknowledged by the Complainant.

3. In respect of form A application dated 21/04/06 the information was supplied on 16/10/07. Therefore, inordinate delay has been caused by Ajaya Kumar Bal. Though repeated opportunities were given to him, he failed to show any reasonable cause. No acceptable proof has been given/advanced by him to show that he had acted reasonably and diligently. While admitting the violation, the only prayer offered by him before the State Commission was to exonerate him by taking a lenient view as he is a low-paid employee. This emotional appeal cannot be legally accepted.

4. As observed earlier Ajaya Kumar Bal is responsible for delay of more than 100 days in this matter. Although reasonable opportunity was given, he failed to explain the inordinate delay at his level. Hence he has incurred the legal liability of the maximum penalty of Rs.25.000/-. For reasons aforesaid Ajaya Kumar Bal is found responsible for the violation of Section 7 (1) of the Act and penalty of Rs. 25,000/- ( Rupees Twenty five thousand only) is imposed on

him. The penalty in one instalment will be deposited by him within 30 days from the date of receipt of this order failing which it will be recovered from his salary in 25 equal, consecutive, monthly instalments beginning from the salary of March,2008 payable in April,2008 and will be deposited 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" by the Public Authority namely B.D.O., Tihidi Block, Bhadrak District. The Public Authority i.e. B.D.O., Tihidi Block, Bhadrak District will report compliance after the penalty is recovered in full, to the State Commission through the Registrar.

5. In case, the Head of the Public Authority is of the view that the penalty amount cannot be so recovered , steps are to be taken to realise the same amount from the erring PIO as arrears of land revenue as specified under Rule 13 of the Orissa Right to Information Rules, 2005.

6. The Complainant in his petition dated 04/10/07 had prayed the State Commission to award compensation to him for the harassment and financial loss suffered by him in attending the several dates of hearing in the State Commission. Though the Complainant has not categorically and specifically indicated any tangible loss, the admitted factual position is that he has been prosecuting this public interest

case since November,2006. If the PIO of the Public Authority had provided information within the prescribed time limit, the inconvenience caused to the Complainant could have been avoided.


7. Upon hearing the claim of the Complainant as above, the State Commission is convinced that it is fit case where the provision of Section 19 (8) (b) of RTI Act, 2005 can be invoked. Hence, the State Commission while allowing the prayer for compensation direct the Public Authority Govindapur Gram Panchayat, Tihidi Block, Bhadrak District to pay Rs.1000/- ( Rupees one thousand only) as compensation to the Complainant within 15 days from the date of the receipt of this order.

8. Thus the appeal filed by the Complainant is allowed. Copy of this decision be communicated to all concerned.

**Pronounced**

Given under the hand and seal of the State Commission, this 25<sup>th</sup> day of January,2008.



  
**Hon'ble SCIC**

25.1.08



**SIC**