

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC
and
Prof. Radhamohan, SIC**

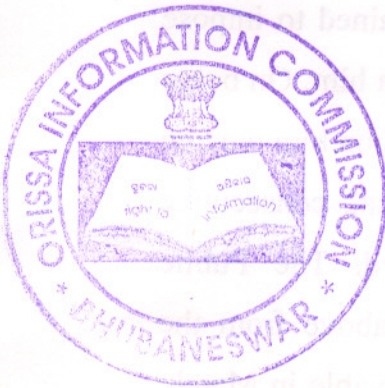
Date: 10th January, 2008

Complaint Case No.22 of 2007

Chandra Shekar Sahu
At-Buromunda,
PO-Gaisilat,
Bargarh District.....Complainant

-Vrs-

Public Information Officer-cum-
Executive Officer,
Buromunda Gram Panchayat,
Bargarh District.....Opposite Party



Decision

1. Complainant Chandra Shekar Sahu is absent. His absence is condoned u/R 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Sadanand Bisi Executive Officer Buromunda Gram Panchayat is present with his Advocate Sri Kishore Chandra Mahanta. Heard the Opposite Party and perused the case record.
2. This case was last heard by the State Commission on 28/09/07. Upon hearing the parties the State Commission were convinced that unexplained delay of 216 days have been caused by the Opposite Party in responding to the request of the Complainant. However, a final opportunity was provided to Sadanand Bisi, Executive Officer-cum-PIO to explain the delay failing which maximum penalty of Rs.25,000/- (Rupees twenty five thousand) working out to 100 days delay will be imposed on him as provided under

Section 20(1) of the RTI Act, 2005. (Act for short). Sadananda Bisi has filed his showcause dated 09/01/08 which is perused and taken to record. He has averred in his showcause that he was busy in other official duties for which he could not find time to attend to request of the Complainant within the stipulated time. Time bound compliance by PIOs is the focus of Section 7(1) of the Act. In case of delay, the PIO is afforded reasonable opportunities to explain the same by proving existence of reasonable cause, if any. In the instant case Sadanand Bisi has utterly failed to discharge the burden of proof of innocence. The State Commission was, therefore, constrained to impose penalty of Rs.25,000/- (Rupees twenty five thousand only) on him. On being asked, the said erring PIO submitted that the penalty imposed on him may be directed to be recovered by the Public Authority in 25 equal, consecutive monthly instalments of Rs.1000/-. The same is allowed. The Public Authority is directed to recover the amount as indicated above from the salary of the erring PIO for the month of February, 2008 payable in March, 2008. Thus the case of the Complainant is allowed. Inform the Complainant, Sadananda Bisi and the Public Authority.

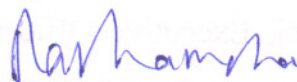
Pronounced

Given under the hand and seal of the State Commission, this 10th day of January, 2008.



Hon'ble SCIC

10.1.08



SIC