

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

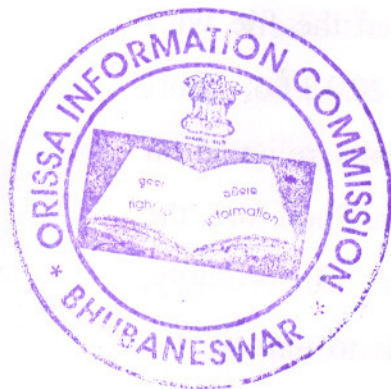
**Present: Hon'ble Shri D.N. Padhi, SCIC**

**and**

**Prof. Radhamohan, SIC**

**Dated: 25<sup>th</sup> January, 2008**

**Complaint Case No. 32/2007**



Chandramani Swain,  
Padhi Colony,  
Ward No-9,  
At-Kesinga,  
Kalahandi District.....Complainant

**-Vrs-**

1. Public Information Officer,  
Kesinga Panchayat Samiti,  
Kesinga,  
Kalahandi District.
2. First Appellate Authority,  
cum-Block Development Officer,  
Kesinga Panchayat Samiti,  
Kesinga,  
Kalahandi District.....Opposite Parties

**Decision**

1. Complainant Chandramani Swain is absent. His absence is condoned in terms of Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Rajendra Kumar Sharma, ex-Additional B.D.O.-cum- PIO, Kshytish Chandra Naik, ex-VLW, Bibhuti Bhusan Satpathy,

PIO, Harikishore Hans, PEO and Girish Chandra Singh, BDO of Kesinga Block are present. Heard. Perused the case record.

2. The case was last heard on 24/07/07 when the State Commission had held vide paragraph-6 ibid that Kshytish Chandra Naik retained the file with him from 02/09/06 till he was relieved presumably on 20/12/06. Shri Kshytish Chandra Naik submitted today that he was actually relieved on 02/11/07 and not on 20/12/06 as mentioned by him earlier. Therefore, the delay is not of 109 days as recorded earlier, but 122 days. Accordingly, second opportunity was given to Kshytish Chandra Naik to explain the delay. Though repeated opportunities were given to Kshytish Chandra Naik ex-VLW, Kesinga Block he failed to show any reasonable cause for the delay. No acceptable proof has been given/advanced by him to establish that he had acted reasonably and diligently. The only prayer he offered to the State Commission was to exonerate him for the delay by taking a lenient view. In the absence of any proof, his prayer to exonerate him has no legal basis. Once violation is proved the State Commission is obliged to impose penalty as prescribed in Section 20 (1) of the RTI Act, 2005 subject to the maximum limit of Rs.25,000/-.

3. As observed Kshytish Chandra Naik is responsible for delay of more than 100 days . For the reasons aforesaid Kshytish Chandra Naik, ex,VLW, Kesinga Block currently VLW, Narla Block, Kalahandi District is found responsible for violation of Section 7 (1) of the Act and a penalty of Rs.25,000/(Rupees Twenty Five Thousand only)- is imposed on him. The penalty in one installment 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 10 equal, consecutive, monthly instalments beginning from the salary of February, 2008 payable in March, 2008 and will be deposited in 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., Narla, Kalahandi District. The Public Authority i.e. B.D.O. Narla will report compliance to the State Commission through the Registrar after the penalty is recovered in full. In case the head of Public Authority is of the view that the penalty amount cannot be so recovered, steps are to be taken to realise the same from the erring PIO as arrears of Land revenue as specified under Rule 13 of the Orissa Right to Information Rules, 2005.

4. Copy of this decision be communicated to all concerned. This order as a single penalty will also apply to Complaint Case No.40/07. Hence, the Complaint Case is allowed.

**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