

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR



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

Date: 22<sup>nd</sup> January, 2008

**Complainant Case No. 331/2006 and 254/2006**

Om Prakash Mohanty  
Qrs No. 2RA-47,  
Road No-3, Unit-IX,  
Bhubaneswar .....Complainant

-Vrs-

1. Public Information Officer  
Health & Family Welfare Department,  
Government of Orissa,  
Orissa Secretariat,  
Bhubaneswar,
2. Public Information Officer  
Office of the Directorate of Health Services,  
Orissa,  
Bhubaneswar .....Opposite Parties

**Decision**

1. This common decision will govern both the above cases since they are related to the same cause of action. Hence they were taken up for hearing analogously with the consent of the parties. Complainant Om Prakash Mohanty and Opposite Parties namely, Surendra Thakur, PIO, Directorate of Health Services, Basanta Kumar Mohanty, PIO and K. Raj Sekhar Rao, Senior Assistant both of Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard both sides. Perused both the records.

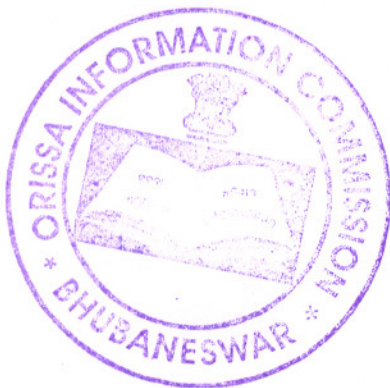
2. The Complainant had sought for information from both the Public Authorities namely Health and Family Welfare Department, Government of Orissa, Bhubaneswar and Director of Health Services, Orissa, Bhubaneswar on the action taken on his representation dated 24/11/98. The said Public Authority could not provide information as such a representation had not been received by them.
3. In the meantime, Principal Secretary to Government, Health and Family Welfare Department, Government of Orissa has sworn an affidavit stating that no such file is available in the Department. As regards the Directorate, Health Services, Orissa the PIO submitted that his Director will file the affidavit in a like manner in the State Commission during the day. Accordingly, the Director, Health Department Laxmidhar Acharya, has sworn an affidavit stating that the file is not available in his Directorate. If the information sought for is available in the Public Authority in any material form it will come within the purview of the definition of information as defined u/S 2(f) of the RTI Act 2005, and hence should be supplied to the Complainant forthwith.
4. On a perusal of the form A application dated 13/07/06 of the Complainant following significant defects are noticed. In the said application the Complainant had not indicated specific details about the information sought by him. He has referred to his representation of 1998 without giving any definite date. He needed the copy of a question paper but no details thereof were given.
5. Although the PIO was well within the legal parameters to reject the application, the fact indicates that they tried their best to help the Complainant but in vain due to non-availability of any file relating to the

representation. Hence no malice can be attributed. However the Public Authorities will do well to provide the information to the Complainant in case the file is traced in future.

6. For the reasons aforesaid both the cases filed by the Complainant are dismissed. Ordered in the open forum.

**Pronounced**

Given under the hand and seal of the State Commission, this 22nd day of January, 2008.



**Hon'ble SCIC**

22-1-08

*Sanjiv Kumar*

**SIC**