

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 14th February, 2008

Complaint Case No.402/2007



Durga Prasad Rath,
Vill-Lalitadeipur Sasan,
PO-Agnipur-764059,
Nawangpur District.....Complainant

-Vrs-

1. Public Information Officer
Cum-Panchayat Executive Officer,
Nawangpur Block,
Nawangpur District.
2. Public Information Officer-cum-
Gram Panchayat Extension Officer,
Nawangpur Block,
Nawangpur District.....Opposite Parties

Decision

1. Complainant Durga Prasad Rath is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Simanchal Mandal, Block Development Officer, Nawrangpur and Akhyaya Kumar Khura, Executive Officer, Agnipur GP-cum-referred PIO are present. Heard the opposite parties.
2. This case was last heard by the State Commission on 03/01/08 in the presence of the PIO, Akhyaya Kumar Khura. Upon hearing him the State Commission were of the considered opinion that he should produce the official records to corroborate that he was engaged the in

3- tier elections to the Gram Panchayats, as a result of which the processing of the RTI application had been delayed.

3. Today the PIO has furnished the copy of the office order no. 2896 dated 02/12/06 to establish that he was indeed deployed in the aforesaid election duty from 02/12/06 to 25/03/07 during which the RTI application was filed by the Complainant.
4. The State Commission on perusal of the said office order is satisfied that there exists reasonable ground to support the contention of the PIO, on whom legally the burden lies to prove that he worked diligently and reasonably. He has discharged this burden in the affirmative. Under the above circumstances delay caused in dealing with the RTI application is condoned and the PIO exonerated as the same was not malicious or intentional but in good faith in the larger public interest.
5. In the meantime all the information sought for by the Complainant have been provided to him, free of cost, on 10/04/07 as provided under Section 7 (6) of the RTI Act,2005.
6. For the reasons aforementioned the case of the Complainant is allowed. Inform him.

Pronounced

Given under the hand and seal of the State Commission, this 14th day of February,2008.


Hon'ble SCIC

14.2.08

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