

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 21st February, 2008**

**Complaint Case No. 45 / 2007**



Susama Biswal,  
W/o-Late Amulya Kumar Biswal,  
At/PO-Kajaha,  
Kendrapara District.....Complainant

-Vrs-

1. Public Information officer,  
cum-Executive Engineer,  
Cuttack Drainage Circle,  
Gandarpur,  
Cuttack.
2. Public Information Officer,  
cum-Superintending Engineer,  
Cuttack Drainage Circle,  
Gandarpur  
Cuttack.....Opposite Parties

**Decision**

1. Complainant Susama Biswal is absent on repeated calls. Her absence will not vitiate the merits of her case in view of the provision of Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Krishna Chandra Sethi, First Assistant, office of the Superintending Engineer, Drainage Circle, Cuttack is present. Heard the Opposite Parties and perused the case record. Relevant to mention that Rabindra Kumar Mohapatra, Executive Engineer-cum-PIO, Cuttack Drainage Circle and

A.K. Badajena, PA, Superintending Engineer, Drainage Circle, Cuttack are absent though present on the last date of hearing and taken note of today's date.

2. That this case was last heard by the State Commission on 20.12.07. It had been observed at paragraph 3 of the order dated 20.12.07 that the application fee of Rs.10/- had not been deposited by the Complainant in the Public Authority alongwith her form A application. The Complainant has not filed any money receipt showing such deposit of fee in this case.
3. During hearing on 11.9.07 the State Commission had directed the PIO to supply information by 28.9.07 and report compliance to the State Commission by 05.10.07. In obedience to the said direction, information had been supplied to her by the Superintending Engineer, Drainage Circle, vide letter No.4677 dated 27.09.07. He has also endorsed a copy of the said letter to the State Commission. The said letter was perused. The State Commission were satisfied that the Complainant has received the information after due intervention by the State Commission vide order dated 11.09.07.
4. The residual question for consideration is delay caused in the case. To begin with, the very presentation of the form A application was defective for want of deposit of application fee of Rs.10/-. The PIO to whom such an application was given could have rejected the same as not maintainable. But it appears that the PIO, instead of being pedantic has proved himself to be a facilitator for the Complainant by provide information to her, free of cost, despite the form A being defective.

5. The related issues indicated that the PIO had no malafide intention in withholding information but were circumstantial due to the above procedural lapses committed by the Complainant. The State Commission on careful consideration of the is of the opinion that the PIO had no ill motive, and as, in the meantime, all information have been provided, free of cost, to the Complainant, there is no need to prolong this case. The same is hereby dismissed. Inform the Complainant.

**Pronounced**

Given under the hand and seal of the State Commission, this 21<sup>st</sup> day of February, 2008.



  
**Hon'ble SCIC**

21.2.08