

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**



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

Date: 18th January, 2008

Complainant Case No. 67 of 2006

Shri Himansu Ranjan Mohanty
Office of Forest Range Office,
Khandapara,
Nayagarh District.....Complainant

-Vrs-

1. Public Information Officer
cum-Under Secretary to Government,
Forest & Environment Department,
Bhubaneswar,
2. First Appellate Authority,
cum-Deputy Secretary to Government,
Forest & Environment Department,
BhubaneswarOpposite Parties

Decision

1. Complainant Himansu Ranjan Mohanty is absent on repeated calls. However, his absence is condoned as per Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. M. Gourinath C.F.(SF)-cum-PIO office of the PCCF Orissa, Debabrata Mishra, Under Secretary-cum-PIO, Bidyadhar Behera SO-cum-APIO and Sadananda Mishra, Senior Assistant-cum-referred PIO of Forest and Environment Department, Government of Orissa are present. Heard the Opposite Parties present and perused the case record. Sadananda Mishra, the referred PIO filed his written showcause which is perused and taken to record.
2. This case was earlier heard on 14/09/07. The State Commission had then concluded that Sadananda Mishra was the referred PIO, whose assistance was needed by the PIO to expedite supply of information to the

Complainant. The said referred PIO of the Plantation Section of the Department received the RTI request on 19/10/05 but left it unattended till 06/01/06. He dealt with the RTI application related file only on 07/01/06.

3. Considering the manner in which the RTI application was dealt with by Sadananda Mishra, (referred PIO) the State Commission in their order dated 14/09/07 had directed him to explain the delay of 53 days by way of giving him the second opportunity u/S 20(1) of the RTI Act 2005. (Act for short)
4. The case was posted to today to hear the referred PIO Sadananda Mishra on the delay of 53 days caused by him. The referred PIO has filed his written showcause memorandum. He has averred therein that as he was busy in matters relating to the Assembly Session, and due to other pressures of official works he could not find time to deal with the RTI application. He has further averred in his showcause that he was not aware of the provisions of the Act, which was new at that time. Upon hearing the referred PIO, the State Commission is not convinced that there exists any reasonable cause for the delay. None of the grounds stated by the referred PIO are acceptable under the law (RTI Act, 2005).
5. For the reasons averred the State Commission is of the conclusive finding that the referred PIO is responsible for delay of 53 (fifty three) days. Having found as above the State Commission imposed penalty of Rs. 13,250/- (Rs. 250/- each day multiplied by 53 days = Rs. 13,250/-) on the referred PIO Sadananda Mishra. He is hereby directed to deposit the same in the State 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" strictly in accordance with Rule 9 of the Orissa Right to Information Rules 2005. In the event of default by him the Public Authority shall recover the said penalty amount in five equal, consecutive, monthly instalments from

his salary of February 2008 payable in March 2008 as per provision of Rule 9 (supra). In case the penalty amount is still not recoverable action shall be taken by the Public Authority in accordance with the provision of Rule 13 (supra).

6. Thus the Complaint case is allowed. Inform the Complainant, Public Authority, PIO, Forest and Environment Department, Government of Orissa and Sri Sadananda Mishra.

Pronounced

Given under the hand and seal of the State Commission, this 18th day of January, 2008.


Hon'ble SCIC

18-1-08



SIC

