

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 28th February, 2008

Complaint Case No.696/2007

Raj Kumar Agarwalla
Kali Market,
P.O.-Baripada,
Mayurbhanj District.....Complainant

-Vrs-



1. Public Information Officer
District Inspector of Schools,
Baripada,
Mayurbhanj District.
2. First Appellate Authority
District Inspector of Schools,
Baripada,
Mayurbhanj District.....Opposite Parties

Decision

1. Complainant Raj Kumar Agarwalla and Bijay Kumar Mohanty, Auditor-cum-PIO, office of the District Inspector of Schools, Baripada are present. Bijay Kumar Ghosh, the D.I. of Schools, Baripada is absent with a prayer to the State Commission to dispense with his personal attendance as he was going to retire from service on 29/02/08. His request was accepted as he had only one day of service left and had to wind up in the office.
2. The Complainant in his application dated 01/06/07 had alleged that the PIO had refused both to accept his form A application and the fee of Rs.10/- sent through money order vide receipt No.1548 dated 12/05/07. According to him, Bijay Kumar Mohanty was then the PIO in the office of the D.I. of Schools, Baripada.

3. The PIO referring to the form A application of the Complainant dated 15/05/07 and the annexure A attached to it, submitted that all the 24 queries made in the said annexure relate to the clarification of provisions contained in the RTI Act, 2005 and of the Orissa RTI Rules, 2005 framed thereunder.
4. Considering the above requirements of the Complainant, the State Commission were of the conclusion that the queries do not come within the purview of the definition of the information given under Section 2 (f) of the RTI Act, 2005. The PIO admitted to have committed a procedural wrong in not accepting the fee sent by money order on the bonafide assumption that the citizen is to submit the form A application in person and deposit Rs.10/- in cash towards such fee. Accordingly, he did not accept the amount sent through money order but he had acted within time in intimating the Complainant vide his letter no.2129 dated 18/06/07 not to send letter in his name but in his official address. In any case, as the queries made by the Complainant do not fall within the definition of information the case of the Complainant is held to be not tenable in the eye of law and hence dismissed. Announced in the open forum.
5. The PIO will do well to receive the form A application or the fee sent by money order, bank draft or IPO or deposited through any messenger to obviate for such allegation of such refusal in future. This position has been clarified since long in other cases.

Pronounced

Given under the hand and seal of the State Commission, this 28th day of February, 2008.


Hon'ble SCIC

28.2.08

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