

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date: 4th January, 2008

Complaint Case No.79 of 2007

Ram Abatar Agrawal
S/O-Late Gyani Ram Agrawal,
At/PO-Ladugaon,
Ps-Koksara,
Kalahandi District.....Complainant

-Vrs-

1. Public Information Officer
Koksara Block,
Kalahandi District
2. Gram Panchayat Executive Officer,
Koksara,
Kalahandi District.....Opposite Party

Decision

1. Complainant Sri Ram Abatar Agrawal, Kishor Chandra Naik, PIO Koksara Block, Nakula Naik and Lingaraj Bag, Sarpanch and Panchayat Executive Officer respectively of Ladugaon Gram Panchayat are present. The Sarpanch and the Executive Officer of the Panchayat have filed their respective written showcause memorandum which are perused. Heard both sides.
2. The Complainant filed a petition today claiming compensation against both the Public Authorities viz: Ladugaon Gram Panchayat and the Koksara Block on the ground that he has been prosecuting this case in the State Commission at Bhubaneswar by coming from a distance of 600 K.Ms. and in the meantime he has attended on four occasions. The Complainant submitted that if the PIOs of the above two Public Authorities had provided information to him on time then the need to prosecute this case before the State Commission could have been

obviated. The representative of the Gram Panchayat and the Block present today could not counter the above submissions of the Complainant.

3. From the record it reveals that all the information have been, in the meantime, supplied to the Complainant and that too after the intervention of the State Commission. The exercise was completed after expiry of the prescribed time limit. It shall not be out of place to mention that this case was last heard in the State Commission on 06/12/07. The State Commission upon hearing the parties present had concluded that Anadi Jani, ex PIO of the Gram Panchayat was responsible for the delay. Anadi Jani having failed to prove existence of reasonable grounds for the delay has been taken to task and he has been directed to pay penalty of Rs. 12,000/- vide the findings recorded in paragraphs-3 and 4 of the order dated 06/12/07.
4. In the order supra, it was directed to issue notice to the Sarpanch and the Executive Officer of the Gram Panchayat to showcause regarding the delay caused in the Panchayat. The Sarpanch in his showcause memorandum has averred that Anadi Jani who was the custodian of all the records of the Gram Panchayat, in spite of his transfer to Bhawanipatna Block, did not hand over charge of all the records either to the Sarpanch or to the Executive Officer Lingaraj Bag. The Executive Officer in his showcause memorandum has also averred in like manner. In support of their stand they have filed the copy of the charge list and repeated reminders sent to Anadi Jani to hand over charge of all the records of the Gram Panchayat. Thus there appears adequate ground in the explanation of the officials of the Gram Panchayat. Hence their explanations are accepted and, hence, they are exonerated.
5. Now coming to the matter of compensation. The State Commission upon hearing the parties is of the view that the Complainant has attended

hearing on four dates coming from Kalahandi district to Bhubaneswar to prosecute the litigation. The above inconvenience of the Complainant could have been avoided if the officials in the Public Authorities namely Koksara Block and Ladugaon Gram Panchayat had been prompt in processing the RTI application as per the law and providing the information within the stipulated time. It is high time that the said Public Authorities take adequate steps to secure due compliance of the provisions of the Act so that such litigation can be avoided in future. Considering the admitted inconvenience caused to the Complainant due to the non-cooperation/indifference of the functionaries of the Public Authorities, the State Commission feel it expedient in the interest of justice to award a compensation of Rs.1500/- (Rupees fifteen hundred only) payable to the Complainant by each of the Public Authority (total Rs. 3,000) within 15 days from the receipt of this order and report compliance to the State Commission through the Registrar.

6. Thus the prayer for compensation u/S.19 (8) (b) of the Act is allowed and this case is disposed of and closed.

Pronounced

Given under the hand and seal of the State Commission, this 4th day of January, 2008.



Hon'ble SCIC

4.1.08

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SIC