

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 13th March, 2008**

**Complaint Case Nos. 79 (B) and 79(C) /2007**



Ram Abatar Agrawal,  
At/PO-Lodugaon,  
P.S.-Koksara,  
Kalahandi District.....Complainant

**-Vrs-**

Public Information Officer,  
Koksara Block,  
Kalahandi District.....Opposite Party

**Decision**

1. By this common order both the aforementioned cases shall be disposed of since they are between same parties and have arisen out of similar form A applications dated i.e.4.11.06. It shall not be out of place to mention that both the form A applications having nexus to the above two cases were originally subject matter of Complaint Case No.79 of 2007 which later bifurcated for convenience and numbered as 79(B) and(C). The relief claimed by the Complainant is also against the same Opposite Parties. Thus on the consent of both parties the said two cases are analogously heard and taken up for disposal.
2. Complainant Ram Abatar Agrawal is present. Ram Singh Hembram, Marketing Inspector and Kishore Chandra Naik, Additional Block Development Officer, Koksara Block, Kalahandi District are present. Heard both sides and perused the case record.
3. This case was earlier heard by the State Commission on 29.08.07, 06.12.07 and 04.01.08. The State Commission in their order dated 4.1.08, while rejecting the prayer for compensation filed by the Complainant had concluded that Ram Singh Hembram has failed to explain the inordinate delay of 337 days at his level in attending to the

RTI request of the Complainant. However, the State Commission keeping in view the principles of natural justice provided last and final opportunity to Ram Singh Hembram, the erring referred PIO to explain today the delay as statutorily prescribed under Section 20(1) of the RTI Act, 2005(Act for short).

4. Ram Singh Hembram, Marketing Inspector –cum-referred PIO in his written showcause has mentioned that he was busy in purchasing paddy from the farmers, and that in August and September, 2007 he was suffering from malarial fever and was under treatment in the Dharamgarh Hospital for which the delay occurred. The Complainant filed a copy of the Attendance Register maintained in Koksara Block for the months of January and February, 2007. Perusal of the said document shows that Ram Singh Hembram was present in his office in January and February, 2007 as he had signed in the said Attendance Register. Thus the plea taken by him that he was busy in purchase of paddy from the farmers and away from headquarters is not acceptable on the face of the official documents having more probative value.
5. Now coming to the alleged ailment of the Marketing Inspector, it is held that assuming the period of his ailment in August and September, 2007 is deleted from the total period of delay of 337 days, the remaining period of delay still exceeds 100 days.
6. Upon perusal of all the documents, showcause memorandum and taking into consideration the oral submissions of the erring PIO Ram Singh Hembram, the State Commission is of the firm conclusion that he has failed to prove his bonafides. He has not been able to prove existence of any reasonable cause for the delay. On the contrary from the material available on record a reasonable inference is legally drawn that the erring PIO has been very casual in dealing with the RTI request of the Complainant ignoring the mandatory time bound limits prescribed in the Act. He has not only failed to substantiate that

he had acted reasonably and diligently, but has admitted the delay to have been caused at his level.

7. Having held as above only one set of total penalty of Rs.25,000/- covering both the above cases is imposed on the erring PIO, Ram Singh Hembram for the delay of more than 100 days as the two case have arisen out of Complaint Case No.79 of 2007. Ram Singh Hembram will deposit the penalty amount in the head of account i.e. "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.
8. To avoid any possible hardship to the erring PIO an opportunity was afforded to him to submit regarding the mode of recovery of the penalty amount. He submitted that he will deposit the entire amount within 30 days of receipt of this order in the Treasury in the given Head of Account (supra). For the reasons aforesaid both the above cases are allowed.
9. Copy of this order be communicated of the Head of the Public Authority for information and necessary action. In case the erring PIO, Ram Singh Hembram fails to deposit the amount as directed above, the Head of the Public Authority shall take steps for realization of the penalty from him as provided under Rules 9 and 13 of the Orissa Right to Information Rules, 2005 and report compliance to the State Commission, through the Registrar.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 13<sup>th</sup> day of March, 2008.



  
**Hon'ble SCIC**

13.3.08