

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 13th March, 2008**

**Complaint Case Nos. 83/2007 and 83-A /2007**

Ram Abatar Agrawal,  
At/PO- Ladugaon,  
Koksara,  
Kalahandi District..... Complainant

**-Vrs-**

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



**Decision**

1. By this common order both the aforementioned cases will be disposed of as they are between the same parties and have arisen out of the identical form A applications dated 4/11/06. It shall not be out of place to mention that both the form A applications were subject matter of Complaint Case No.83 of 2007 which was later bifurcated as Complaint Case No. 83 and Complaint Case No. 83A. The relief that has been claimed by the Complainant is also against the same Opposite Parties. Thus on the consent of both parties, the State Commission took up and analogously heard the two cases.
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 also present. Heard both sides and perused the case record.
3. Complaint Case No.83/2007 was heard on 5/06/07, 29/08/07, 06/12/07 and 04/01/07. It was on the last occasion the State Commission, while rejecting the prayer for compensation filed by the Complainant, had concluded that Ram Singh Hembram failed to explain the inordinate delay of 337 days caused by him in relation to the RTI request dated 04/01/06 of the Complainant.

However, the State Commission keeping in view the principles of natural justice had provided him the last and final opportunity to explain the delay as required 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 memorandum has mentioned that he was busy in purchase of paddy from the farmers during January and February, 2007. He has further stated 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. On the other hand, the Complainant filed a photocopy of the office Attendance Register maintained in Koksara Block for the months of January and February, 2007. It is seen from the said Register that Ram Singh Hembram was present in his office and had signed the Attendance Register. Therefore, the plea that he was out of Headquarters and busy in purchase of paddy from farmers is not acceptable being negated by the official document (Attendance Register) having more probative value.
5. Even assuming that for two months i.e. August and September, 2007 Hembram was ill and the said two months are deleted then also the total delay exceeds 100 days.
6. Hence the State Commission after due consideration of all the documents, showcause memorandum and the oral submissions of the erring PIO, Ram Singh Hembram, is of the firm conclusion that he failed to prove his bonafides. He has not been able to prove existence of reasonable cause for the delay. On the contrary from the material available on record, reasonable inference is legally drawn that the erring PIO had been lackadaisical in dealing with the RTI application of the Complainant, ignoring the mandatory timebound limits prescribed under the Act. He has not only failed to substantiate to have acted reasonably and diligently but has admitted to the delay having been caused at his level.

7. Having found as above, penalty limited to Rs.25,000/- is imposed on Ram Singh Hembram, the erring referred PIO for the delay of more than 100 days concurrently caused in the two cases referred to above as they have arisen out of the Complaint Case No.83 of 2007. He was directed to deposit the penalty amount of Rs.25,000/- in the Head of Account i.e. in the "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 within 30 days of receipt of this order as required under Rule 9 of the Orissa Right to Information Rules,2005.
8. However, to avoid any possible hardship the erring PIO was afforded an opportunity to state the mode of recovery of the penalty amount from him, that is, in one instalment or in lump sum. He stated that he will deposit the entire amount within 30 days in the Treasury under the relevant Head of Account.
9. Copy of this order be communicated to the Head of the Public Authority for information and necessary action. In case the erring referred 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 the salary of the Ram Singh Hembram, as provided under Rule 9 (supra). If the penalty amount cannot be realized from him necessary proper steps under Rule 13 ibid shall be taken by the Head of the Public Authority to ensure recovery thereof, and compliance reported to the State Commission, through the Registrar.
10. For the reasons aforesaid both the cases filed by the Complainant are allowed.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 13<sup>th</sup> day of March,08.



  
**Hon'ble SCIC**

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