

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Dated: - 18th January, 2008**

**Second Appeal No.37/2007**



Shri Pramoda Kumar Jena  
Vill-Deulapadi,  
PO-Goutami,  
Via-Balipada-761054,  
Ganjam District .....Appellant

-Vrs-

1. Public Information Officer-cum-  
Berhampur University,  
Berhampur-760007
2. First Appellate Authority,  
cum-Registrar,  
Berhampur University,  
Berhampur-760007 .....Respondents

**Decision**

1. Appellant Pramoda Kumar Jena is absent. His absence is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006, Chandramani Mishra, ex-Development Officer (currently Student's Welfare Officer) and Ashok Kumar Sahu, PIO, Berhampur University, Bhanja Vihar, Ganjam District are present. Heard. Perused the appeal record.

2. The Appellant had called into question the propriety and legality of the order dated 23/12/06 passed by the First Appellate Authority of the University which was communicated to him vide letter no. 11911 dated 23/12/06.
3. This appeal was earlier heard on 13/06/07 in presence of both the parties. The State Commission on that day, vide their order, had directed the PIO to provide the information on item no. 4 i.e. copy of the Resolution of the Syndicate of the University on the recommendations of the Screening Committee for selection to the post of the Reader in Journalism and Mass Communication. The PIO had complied with the above direction by sending letter no. 54 dated 29/06/07 to the Appellant.
4. There exists another pertinent observation in the order dated 13/06/07, that is the Development Officer of the University was supposed to be responsible for the alleged delay. He was directed to appear and explain the same. Chandramani Mishra, the then Development Officer has filed his showcause memorandum today. He submitted that he was on earned leave from 23/10/06 to 04/11/06 for a major surgery that he underwent. In support thereof he filed copy of his leave sanction order which shows that during the said period Ashok Kumar Sahu, PIO was in charge of his assignment.
5. After having heard as above from the ex-Development Officer, the PIO Ashok Kumar Sahu was asked to explain the alleged delay. The PIO while relying on his show cause dated 21/06/07 submitted that the form

A application of the Appellant, sent by post, was received by him on 31/10/06. On the same day he informed Chandramani Mishra, the then Development Officer to supply the information, vide his letter no. 43/PIO dated 31/10/06. Chandramani Mishra returned from leave on 05/11/06 and the file was placed before him by Section Officer (Admn-1(TE) on 06/11/06. PIO submitted that he was not responsible for the delay.

6. The Development Officer in reply submitted that on 06/11/06 he placed the relevant file for approval of the Registrar of the Berhampur University, but the file was returned to him only on 15/11/06. The said file was resubmitted on 16/11/06 for obtaining clear orders of the Registrar. The ex-Development Officer Chandramani Mishra, availed commuted leave from 19/11/06 to 03/01/07 on health grounds of self.
7. Chandramani Mishra further stated that the file was placed during his absence, by the PIO before the Registrar. The latter made the following endorsement on 02/12/06. "please speak". The information sought relates to certain confidential matters of the University for which a policy decision had to be taken by the University. However, when the Registrar found that there may be delay in taking such a decision, he cleared the file on 20/12/06 which is amply borne out from the endorsement on the margin of the copy of the relevant file note, now on record.
8. In view of the foregoing discussions it is clear that neither the PIO nor the ex-Development Officer (referred PIO) have caused any delay in the

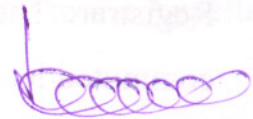


case. They acted in good faith waiting for a policy decision before parting with the information sought. Thus none of them can be faulted for this circumstantial delay. Hence both of them are exonerated.

9. In view of the fact that the Appellant had received all the information there is no need to prolong the case which is hereby allowed. Inform the Appellant.

**Pronounced**

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



**Hon'ble SCIC**

13.1.08



**SIC**

