

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Date: 11<sup>th</sup> March, 2008**

**Second Appeal No 04 / 2007**

Hadibandhu Baliarsingh,  
SCR-7, Chandralok Market,  
Chandrasekharpur, Phase-II,  
Bhubaneswar -751021.....Appellant

-Vrs-



1. Public Information Officer,  
Bhubaneswar Development Authority,  
Bhubaneswar
2. Secretary-cum-First Appellate Authority,  
Bhubaneswar Development Authority,  
Bhubaneswar.....Respondents

**Decision**

1. Appellant Hadibandhu Baliarsingh is represented by Krupasindhu Lenka. The same is accepted. Subash Chandra Sahu, PIO-cum- Enforcement Officer, Rama Chandra Sahu. ex-Junior Engineer, Siba Prasad Patnaik, Executive Engineer and Binod Kumar Maity, Mate, all of Bhubaneswar Development Authority, (BDA for short) Bhubaneswar are present. Heard. Perused the case record.
2. The case was last heard on 25/01/08 when the State Commission had directed the Executive Engineer, BDA to provide the exact area of the Chandralok Market Complex, Bhubaneswar to the Appellant free of cost. The Executive Engineer submitted that in obedience to the orders of the

State Commission, he had supplied the information to the Appellant on 04/02/08 which was confirmed by letter during the hearing.

3. Now coming to the question of delay. It has been observed in our order dated 13/09/07 that there had been delay of 54 days.
4. Rama Chandra Sahu on whom the burden lies to prove that he had acted reasonably and diligently submitted his showcause memorandum and stated that neither he had received the letter on 16/10/096 nor he was asked to collect it and put up the same to the Executive Engineer. He pleaded total ignorance about the application and its whereabouts. He stated Binod Kumar Maity , Mate, Division-II, BDA was aware of the letter and never placed it before him.
5. Binod Kumar Maity submitted that he had orally informed and handed over the RTI application to Rama Chandra Sahu. This was vehemently denied by the latter. Indeed, Maity mentioned that, being a class IV employee, he had neither the knowledge to deal with the matter nor the audacity to remind his superiors. This explanation was not tenable as he had been handling all papers in the office. Unfortunately, Rama Chandra Sahu, being his superior and controlling officer did not say anything in the support of Maity.
6. Therefore, it is clear that the RTI application was left unattended by Binod Kumar Maity. The total delay of 54 days is attributable to him. Hence, the State Commission looking into the mandate of Section 7 (1) as well as Section 20 (1) of the Act were of the firm opinion that Binod Kumar Maity, Mate, Division-II, BDA was responsible for the delay of 54 days.

7. Thus the State Commission impose penalty of Rs. 13,500/- ( Rs. 250 X 54 days ) on Binod Kumar Maity, Mate, Division II, BDA. He has to deposit the said amount by Treasury Challan under appropriate Head of Account of the State Budget. i.e. "Treasury under Head "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 a period of 30 days of receipt of these orders failing which the amount shall be recovered from his salary in 10 (ten) equal, consecutive, monthly instalments from the salary of April,2008 payable in May, 2008 by the Public Authority as prescribed under Rule 9 of the Orissa Right to Information Rules, 2005. In case the Public Authority for adequate reasons is not able to recover the penalty amount from Binod Kumar Maity, the same can be realized from him as arrears of land revenue under Rule 13 ibid.
8. Thus the appeal is allowed. Copy of this order be communicated to the Public Authority and all concerned.

**Pronounced**

Given under the hand and seal of the State Commission, this 11<sup>th</sup> day of March, 2008.



**Hon'ble SCIC**

11.3.08