

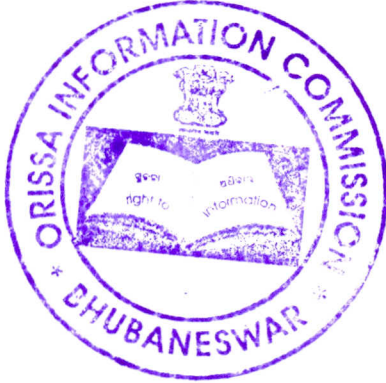
**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Shri Jagadananda, SIC

Date: 22nd January, 2009

Complaint Case No. 1103/2007



Maheswar Sahu,
At-Gariapur,
PO-Jajpur,
Jajpur district Complainant

-Vrs-

Public Information Officer,
Office of the Assistant Director,
Survey and Map Publication,
Major Settlement Jobra, Cuttack,
Cuttack district Opposite Party

Decision

1. Complainant Maheswar Sahu is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Bharat Bhusan Jagdev, PIO, Bhagabat Mishra, Senior Clerk and Aryaranjan Mohapatra, ex-Record Keeper, office of Survey and Map Publication, Major Settlement, Jobra, Cuttack are present. This case arises out of complaint petition dated 23/07/07. The case was earlier heard on 18/06/08 and 17/10/08.
2. Complainant had sought information in form A application dated 28/05/07 from the PIO, office of Survey and Map Publication, Major Settlement, Jobra, Cuttack on 5 points regarding printing and supply of maps relating to Unit 7, Mouza-Sitaleswar, P.O./Dist-Jajpur. The

information query is on the reverse of form A application which are on record. The PIO submitted that the application of the Complainant dated 28/05/07 was received in their office on 31/05/07. It was then sent to APIO, Bhagabat Mishra who put up the file to the Head-Clerk on 30/06/07. The Head Clerk submitted the file to him on 04/07/07. He ordered for taking immediate follow up action. The file was then endorsed to the Record Keeper who resubmitted the file to him on 19/07/07. He passed orders to supply information to the Complainant. Accordingly, the Complainant was intimated vide letter no.2791 dated 20/07/07 to deposit Rs.630/- but the Complainant did not respond.

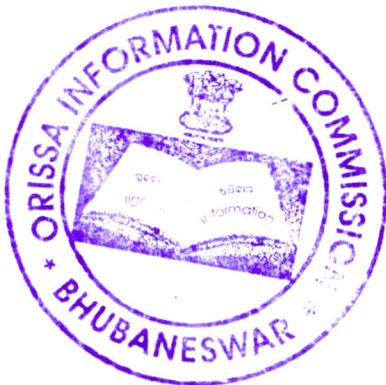
3. After hearing the opposite parties, the State Commission had opined that there was no reason to write a letter to the Complainant to deposit the cost for information after expiry of 30 days. Therefore, the PIO was directed on 18/06/08 to provide the information to the Complainant, free of cost. As regards delay, it had been pointed out that the same seemed to have been caused at the level of Bhagabat Mishra, Senior Assistant and the ex-Record Keeper. Hence both were directed to be present today.
4. The PIO submitted today that required information had been supplied to the Complainant, free of cost, vide letter no.2408 dated 30/06/08 by registered post/A.D. The PIO stated that the delay was attributable to Bhagabat Mishra who left the file unattended for 8 days and Aryaranjan Mohapatra, who responded after a gap of 11 days. Though reasonable opportunity was given to them to explain the delay, they were not able to justify their actions, leading to the delay, on the face of the facts. Having held as above, penalty of Rs.2000/- @ Rs.250/- per day for 8 days is imposed on Bhagabat Mishra, Senior Clerk and in like manner, penalty of Rs.2750/- is imposed on Aryaranjan Mohapatra, ex-Record Keeper for


the unexplained delay of 11 days. On being questioned whether they would like to have another opportunity to explain their actions, they refused as they had nothing further to say in their defence.


5. They are directed to deposit the respective penalty amounts imposed on them within 30 days of receipt of this order in the 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", failing which the same will be recovered by the Public Authority under Rule 9 of the Orissa Right to Information Rules, 2005. In case, the same cannot be realized, steps shall be taken by the concerned Public Authority for realization as per provisions of Rule 13 *ibid*.
6. With the above orders, the case is disposed of and closed. Inform all concerned.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 22nd day of January, 2009.




SCIC
22-1-09


SIC 22/1/09