

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

and

Shri Jagadananda, SIC

Date: 30th January, 2009

Complaint Case No. 755/2007



Nishikanta Mohapatra,
LIG-744, K4, Kalinga Nagar,
P.O.-Patrapada,
Bhubaneswar -751019 Complainant

-Vrs-

Public Information Officer,
School and Mass Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar Opposite Party

Decision

1. Complainant Nishikanta Mohapatra is absent. The same is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Shyam Sundar Singh, Under Secretary-cum-PIO, Prafulla Kumar Panda, Desk Officer and Rajendra Kumar Nath, Assistant Section Officer, all of School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard. Perused the case record. This case arises out of complaint petition dated 12/06/07. The case was earlier heard by the State Commission on 02/07/08, 19/09/08 and 15/01/09.
2. The Complainant had sought information in form A application dated 26/04/07 from the PIO, School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar on the delay in sanction of pension and post retirement benefits of Bira Kishore Mohapatra, ex- DI of Schools, Sambalpur. The information query is annexed to form A application which are on record.

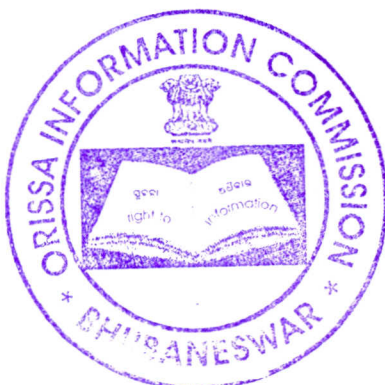
3. The PIO had stated that after receiving the said application it was endorsed to Section X (Administrative Section) on 30/04/07 to furnish the information. The latter provided some information on 05/06/07. Thereafter, the Complainant was intimated through registered post vide letter no.13965 dated 26/06/06 that departmental proceedings had been drawn against Bira Kishore Mohapatra for recovery of Rs.96,000/- from his unutilized leave salary, DCRG etc. As the recovery has not been made so far, final pensionary benefits have not been sanctioned, but provisional pension had been sanctioned vide Department G.O. no.6613 dated 06/03/98. After full recovery, the final pensionary benefits will be released. Balance information was also supplied to the Complainant on 06/08/07.
4. On perusal of records and going through the chronological datechart it was found that the delay had occurred at the level of Section Officer and Dealing Assistant in two phases from 30/04/07 to 13/06/07.
5. Desk Officer, Prafulla Kumar Panda submitted that the file was received by him on 03/05/07 and on the very same day he marked it to the Assistant Section Officer for action. This was corroborated by the documents on record. Therefore, no delay had occurred at his level. Rajendra Kumar Nath stated that he received the application on 03/05/07 and confessed that due to heavy burden of work, the file remained pending till it was put up to the Section Officer on 22/05/07. The same file on return was received by him on 05/06/07 which he put up on 12/06/07.
6. The State Commission after hearing the parties exonerated Prafulla Kumar Panda and observed that the file was left unattended by Rajendra Kumar Nath in two phases i.e. from 03/05/07 to 22/05/07 and from 05/06/07 to 12/06/07. Cumulatively, 24 days delay had occurred at his level. After



deducting 3 days as per Orissa Secretariat Instructions as transaction time, he was found responsible for delay of 21 days.

7. In keeping with the principles of natural justice he was accorded second opportunity on 15/01/09 to explain the delay today.
8. Rajendra Kumar Nath stated that the he had not delayed the matter intentionally but due to heavy burden of work the file remained with him. This explanation was not acceptable under the provisions of the RTI Act, 2005.
9. In view of the above facts and circumstances of the case, the State Commission decided to impose penalty of Rs.5250/- @ Rs.250/- per each day delay of 21 days on Rajendra Kumar Nath, Assistant Section Officer, School and Mass Education Department. He is directed to deposit the said amount 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 from him as per Rules 9 and 13 of the Orissa Right to Information Rules, 2005 by the Public Authority.
10. Hence, the case is allowed. Inform all concerned.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 30th day of January, 2009.




SCIC 30.1.09

SIC 30/1/09