

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

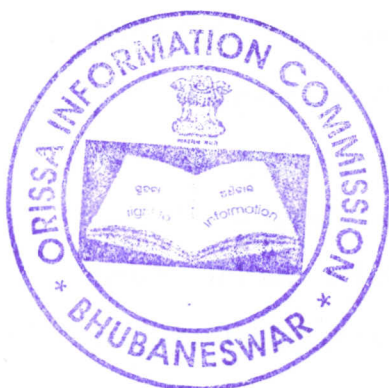
**Present: Hon'ble Shri D.N.Padhi, SCIC  
and**

**Sri Jagadananda, SIC**

**Date: 16<sup>th</sup> January, 2009**

**Complaint Case No. 851/2007**

Radha Krishna Ram,  
At/PO-Banpur-752031,  
Khurda district .....Complainant



**-Vrs-**

Public Information Officer,  
Office of the Executive Engineer,  
(Roads and Buildings), Khurda,  
Khurda district.....Opposite Party

**Decision**

1. Complainant Radha Krishna Ram is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Ananta Kishore Patra, PIO and Jaya Krishna Dash, Junior Engineer (Estimator), office of the Executive Engineer ( R & B) Division, Khurda district are present. Heard. Perused the case record. This case arises out of complaint petition dated 22/10/07.
2. It reveals from the record that the Complainant had sought in form A application dated 28/08/07 filed with the PIO, office of the Executive Engineer, (R & B ) Division, Khurda district details of development works executed under Khurda ( R & B) Division in Banpur and Chilika Blocks and Banpur and Balugaon NACs during the years 2005-06 and 2006-07 with names and address of Executants, Agencies, Contractors and expenditure incurred.

3. The case was admitted on 12/11/07 and subsequently heard by the State Commission on 23/04/08, 22/05/08 and 18/09/08.
4. The Complainant in his complaint petition dated 16/10/07 had stated that he has not received any information till date. PIO, submitted that he received the application on 29/08/07 and due to oversight he could not attend to the request of the Complainant. However, he intimated the Complainant vide letter no.1371 dated 07/03/08 to deposit Rs.56/- towards cost of information but the latter did not turn up. The Complainant after receiving the said letter had informed the PIO that he had sent Rs.56/- by money order on 12/03/08 but the PIO stated that he has not received the said amount. Nonetheless, the information had been supplied to the Complainant on 28/04/08, free of cost.
5. The State Commission after hearing the parties had directed the PIO that if he had received money order for Rs.56/- the same be refunded to the Complainant forthwith. PIO stated today that till date no money order has been received by him.
6. During the course of hearing on 22/05/08, the PIO had stated to have sought the assistance of Bijaya Kumar Sahoo, Dealing Assistant to provide the information. The said Dealing Assistant, in turn, sought the assistance of Jaya Krishna Dash, Junior Engineer (Estimator). The PIO and Dealing Assistant having promptly dealt with the application by initiating action on 29/08/07 do not seem responsible for any delay. It was felt that the delay caused could be attributable to Jaya Krushna Das, Junior Engineer (Estimator).


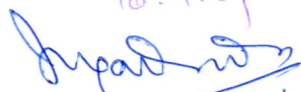
7. Accordingly, the presence of Jaya Krishna Das was procured by the State Commission. He was asked to explain the delay caused at his level.
8. Jaya Krishna Dash stated that the duty of an Estimator is over after drawal of an agreement with the concerned field functionaries in charge of respective works. His only fault was that he received the application which he should have returned immediately to the Dealing Assistant as the matter did not relate to him. He confessed to the delay at his level.
9. Though reasonable opportunities were provided to him to explain the delay, he failed to prove that he had acted reasonably and diligently or delay occurred due to reasonable cause.
10. Finding no acceptable grounds for the delay, the State Commission invoked the mandatory provision of Section 20 (1) of the RTI Act, 2005 to impose penalty @ Rs.250/- per each day delay. Accordingly, penalty of Rs.25,000/- (maximum) is imposed on Jaya Krishna Dash, Junior Engineer, office of the Executive Engineer ( R & B ) Division, Khurda for the unwarranted delay. He is directed to deposit the penalty amount within 30 days of receipt of this order as required under Rule 9 of the Orissa Right to Information Rules, 2005 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”.



11. In case he fails to deposit the said amount, the Public Authority shall take steps to recover the same amount from his salary. In the event of non-realization by the Public Authority, steps shall be taken in accordance with the provision of Rule 13 of the Orissa Right to Information Rules, 2005.
12. Hence the complaint case is allowed. Inform all concerned.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this 16<sup>th</sup> day of January, 2009.

  
**SCIC**  
16.1.09  
  
**SIC** 16/1/09

TML