

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

and

Shri Jagadananda, SIC

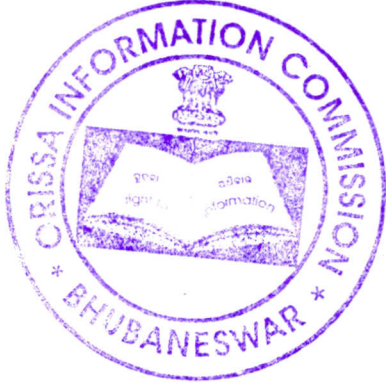
Date: 22nd January, 2009

Complaint Case No. 90/2007

Dushmanta Kumar Panda,
S/o-Nathu Ram Panda,
At/PO-Junagarh,
Kalahandi District.....Complainant

-Vrs-

1. Public Information Officer,
office of the Block Development Officer,
Junagarh,
Kalahandi district
2. First Appellate Authority-cum-
Block Development Officer,
Junagarh,
Kalahandi District.....Opposite Parties



Decision

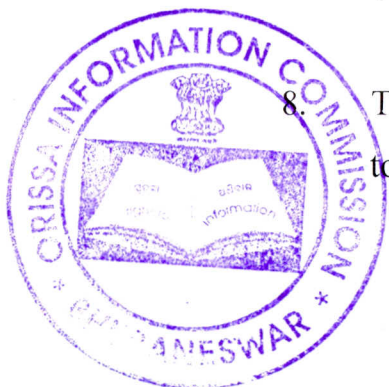
1. Complainant Dushmanta Kumar Panda is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Rajendra Kumar Sharma, PIO-cum-ABDO, Junagarh Block and Prakash Chandra Patra, ex-Marketing Inspector, Junagarh Block, currently Inspector of Supplies, Dharamgarh Block, Kalahandi district are present. Heard. Perused the case record. This case arises out of complaint petition dated 19/01/07. This case was earlier heard on 29/09/07, 29/01/08, 23/04/08 and 16/09/08.

2. Complainant had sought information in form A application dated 19/07/06 from the PIO, Junagarh Block on the facilities given to the beneficiaries of APL, BPL, Antyodaya Anna Yojana, Annapurna etc, Gram Panchayat wise for the periods from 01/03/06 to 19/07/06 and 01/10/05 to 19/07/06.
3. PIO had mentioned earlier on 29/09/07 during hearing that since the information related to Prakash Chandra Patra, Marketing Inspector, the application was forwarded to him, which he acknowledged on 24/07/06. Thereafter, Prakash latter finally was reminded several times on 02/08/06, 03/08/06, 28/08/06, 14/09/06, 20/09/06 and 25/09/06 to provide the information. The latter finally submitted the information on 07/10/06 and the Complainant was requested the same day to deposit the cost. He deposited Rs.162/- on 30/10/06 and received the information the same day. Complainant, however, sent a petition dated 15/09/07 (almost after 11 months) to the State Commission that the information received by him was misleading and incomplete. This petition though not made under the RTI Act, 2005 was taken on record as the Complainant's stand.
4. The case was remanded to the First Appellate Authority to hear the case afresh within 15 days and to pass a reasoned order on merits and report compliance to the State Commission through the Registrar. The First Appellate Authority heard the case on 01/10/07 and took necessary action. The same was received and perused during hearing on 29/01/08.
5. Thus it is clear that the order of the State Commission had been duly complied with by the First Appellate Authority. From the above narrations, it is evident that in the meantime all information sought by the Complainant have been received by him. The PIO had received Rs.162/- towards cost of providing information. When admittedly the

information have been supplied to the Complainant after the expiry of the period prescribed under Section 7 (1) of the Act, the PIO should not have collected any amount from the Complainant towards the cost of providing information which is prohibited under Section 7 (6) of the Act. The PIO had, therefore, been directed to refund the amount of Rs.162/- to the Complainant, without deducting any money order commission in case the money is refunded by money order and report compliance within 7 days. This order has also been complied with.

6. Now the solitary issue for determination is the delay which had been caused by Prakash Chandra Patra, ex-Marketing Inspector, Junagarh Block, Kalahandi district. It reveals from the record that after receipt of the form A application dated 19/07/06, the PIO sought the assistance of the Prakash Chandra Patra on 24/07/06. The latter belatedly supplied the information to him on 07/10/06. Thus the period of delay is to be computed in accordance with the provisions of Section 7 (1) of the Act. The date of application is 19/07/06. Deducting the maximum period of 30 days and excluding the date of application, the period of delay is from 19/08/06 till 07/10/06 which works out to 49 days.
7. Prakash Chandra Patra, ex-Marketing Inspector was called upon on 29/01/08 to explain the above delay of 49 days but he did not choose to file any showcause memorandum. That being his first appearance before the State Commission, he was provided with another opportunity to explain as to why penalty, if any, for the delay of 49 days amounting to Rs.12,250/- (Rupees Twelve thousand two hundred fifty only) shall not be imposed on him as provided under Section 20 (1) of the Act.

8. Though opportunities of hearing was given to referred PIO, he failed to prove that he had acted reasonably and diligently. In view of the


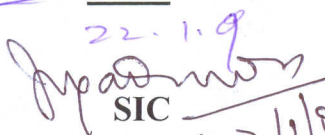


above, the State Commission is of the considered opinion that the referred PIO has not furnished the information within the time specified under Sub-section 1 of Section 7 of the RTI Act, 2005.

9. Upon consideration of the facts of the case from all the aspects, the State Commission hereby impose a penalty of Rs,12,250/- for 49 days delay @Rs.250- per each day delay on Prakash Chandra Patra, ex-Marketing Inspector, Junagarh Block, currently Inspector of Supplies, Dharamgarh Block, Kalahandi district. 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 by the Public Authority under Rules 9/13 of the Orissa Right to Information Rules, 2005, as necessary.
10. With the above orders, the case is disposed of and closed. Inform the Complainant and all others 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

SCIC
22/1/09