

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: **6th September 2007**

Complaint Case No. 125/2007

Shri Paramananda Nayak,
Vill-Santheswarpur,
PO/PS- Jajpur,
Jajpur District.....Complainant

-Vrs-

Public Information Officer,
Office of the Chief District Medical Officer,
Jajpur,
Jajpur DistrictOpposite Party



Decision

1. Complainant Sri Paramananda Nayak is absent. Under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 the presence of the Complainant is optional. Dr. Dinakrishna Panda, Assistant District Medical Officer (on behalf of CDMO, Jajpur) is present. Heard him. Perused the case record.
2. The case was last heard on 6/7/07 when the State Commission after hearing the Complainant that he was deliberately harassed and humiliated by the office of the Chief District Medical Officer (CDMO in short) and, therefore was entitled for compensation, had directed the CDMO as Public Authority to pay Rs 1500/- (Rupees One Thousand Five Hundred only) as compensation. The CDMO was further directed (as referred PIO) to submit showcause memorandum for having violated the provision of Section 7(I) of the RTI Act, 2005.
3. In obedience to the order of the State Commission, Sri Panda submitted the showcause memorandum on behalf of Dr (Smt) Induprabha Das CDMO Jajpur which was perused and taken to record.

4. Dr. (Smt) Das CDMO in her showcase memorandum has submitted that the Complainant had sought for information regarding the "Kalinga Nagar Incident" during 2006 arising out of police action on tribal people which was a highly sensitive issue. In this regard she had sought clarification from the Information and Public Relations Department and Additional District Magistrate, Jajpur. She had discussed with the then Collector and District Magistrate, Jajpur District.
5. She further stated in her memorandum that the matter was under investigation by the National Human Rights Commission and Justice A.S. Naidu Commission had been set up under the Commissions of Enquiry Act, 1952 by the State Government vide letters no. 237 dated 28/1/06 and 2656/C dated 17/6/07 respectively. As such she was in a dilemma whether revealing information would have adversely affected the proceedings of the Commission of Enquiry. So there was no malafide intention in not providing the information. Rather she had diligently and reasonably tried her best by consulting with the law enforcing authorities to provide the information. In obedience to the order of the State Commission dated 6/7/07, the Public Authority (i.e. Office of CDMO) had paid Rs. 1500/- to the Complainant on 31/08/07 as compensation.
6. In view of the aforesaid findings, the referred PIO Dr. (Smt.) Das, CDMO is exonerated of the charges of delay and case is disposed of and closed.

Pronounced

Given under the hand and seal of the State Commission, this the 6th day of September 2007.


Hon'ble SCIC

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Annamhan.

SIC