

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

**Present:- Prof. Radhamohan, SIC**

**Dated: - 11<sup>th</sup> September, 2007**

**Complaint Case No. 47/2007**

Shri Bharat Chandra Mahapatra,  
Choudkidar,  
Stores and Mechanical Division,  
Delta,  
Bhubaneswar.....Complainant

-Vrs-

Public Information Officer  
Health and Family welfare Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.....Opposite Party



**Decision**

1. Complainant Shri Bharat Chandra Mohapatra is absent. His absence is condoned u/R 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. The PIO-cum-Under Secretary, Health and Family welfare Department, Shri Basanta Kumar Mohanty and Shri Kartika Pujapanda, Senior Assistant of Health and Family welfare Department are present.

2. The Applicant submitted his form A application on 13/12/06, received by the PIO, Health and Family welfare Department on the same date. The Misc. and Coordination Section of the Department looking after RTI matters forwarded the same application to DCMA Branch vide memo No.36814 dated 15/12/06 to furnish the required information by 25/12/06. Since the information was not available in the Department, the DCMA Branch called for information from DMET vide letter No.3757, dated 23/12/06. The DMET vide their letter No.560, dated 18/01/07 submitted the required information to DCMA Branch intimating therein that the information has been supplied by them to the Applicant. However, the Applicant was supplied the information by the PIO of the Department vide his letter No.3607 dated 13/02/07 free of cost. In the written showcause memorandum also the PIO submitted above facts to the State Commission during the course of hearing.

3. The date of application was 13/12/06, hence the last date of supply of information is 12/01/07 and since information has not been received by the Complainant within the stipulated period, he approached the Commission in a Complaint Petition on 17/01/07. However, from the showcause reply submitted by the PIO it seems that the DMET had supplied the information on 18/01/07.

4. From the showcause reply filed by the PIO it is clear that the application dated 13/12/06 and received on the same day was attended on 15/12/06 and when information was not available in the Department, then assistance was sought for from the DMET and latter

supplied the information on 18/01/07. After perusing the showcause reply and hearing the submissions, the State Commission is of the opinion that the delay caused was circumstantial and not intentional.

5. Hence the delay is condoned and the case is closed.

**Pronounced**

Given under the hand and seal of the State Commission, this the 11<sup>th</sup> day of September 2007.



*Sanjiv Kumar*  
**SIC** 11-9-7