

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 13th July, 2007

Complaint Case No. 77 /2006

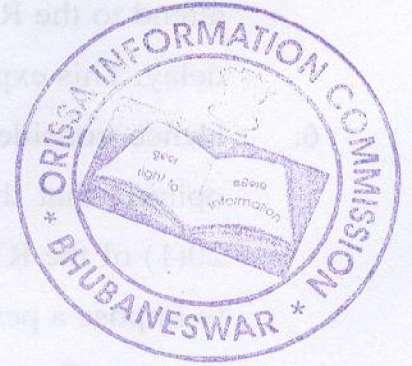
Shri Hara Prasad Hota,
Retd. Reader -in-Commerce,
Chandrasekhar Nagar,
Bolangir-767002.....Complainant

-Vrs-

Public Information Officer,
Department of Higher Education,
Bhubaneswar.....Opposite Party

Decision

1. Complainant Sri Hara Prasad Hota is absent. His absence, however, will not adversely affect the merits of his case in view of the provisions of Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. PIO, Sri Ramakanta Rath and the referred PIO, Smt. Urmila Sundari Rout, Senior Assistant of Section XVII of the Higher Education Department are present. Heard. Perused the case record.
2. The case is posted to today for hearing the aspect of delay purportedly caused at the level the referred PIO, Smt. Urmila Sundari Rout and to enable her to establish her bonafides, if any.
3. It was found on 25.04.2007 when the matter was last heard that the referred PIO, Smt. Rout was responsible for delay of 14 (fourteen) days after deducting 30 days in attending to the RTI Application at her level.
4. From a close scrutiny of records, note sheets of the relevant file which are taken to record, it is seen that actually the delay can be attributed to Smt. Rout, not to Shri B.B. Mishra, Section Officer. Hence Shri B.B. Mishra is exonerated.



5. Smt. Rout was given a second opportunity to explain the delay, but the only explanation she offered was that due to heavy pressure of work she could not attend to the RTI application and that she was unawares of the implication of delay. This explanation is not acceptable.
6. Hence considering all aspects of the case, the State Commission is of the opinion that there is a delay of 14 days and therefore provision of Section 20(1) of the RTI Act, 2005 is attracted. Hence the State Commission decided to impose a penalty of Rs. 3,500/- @ Rs. 250/- for each day delay for fourteen days on Smt. Urmila Sundari Rout, Senior Assistant, Department of Higher Education, Secretariat, Govt. of Orissa, Bhubaneswar u/S 20(1) of the RTI Act, 2005 (Act for short) for violating provisions u/S 7(1) of the Act. The penalty, in one installment will be deposited by her within 30 days from the date of this order failing which it will be recovered from her salary in 10 equal consecutive monthly installments beginning from the salary of August, 2007 payable in September, 2007 and deposited in the appropriate Head of Account by the Public Authority i.e. the Department of Higher Education, Govt. of Orissa report compliance after the penalty is recovered in full.
7. A copy of decision be communicated to the Commissioner-cum-Secretary of Higher Education Department, Govt. of Orissa, Secretariat, Bhubaneswar for necessary follow up action.
8. Thus the complaint case is allowed.

Pronounced

Given under the hand and seal of the State Commission, this 13th day of July, 2007.


Hon'ble SCIC

13.7.07


SIC