

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 24<sup>th</sup> September, 2008**

**Complaint Case No.172/07**

Niranjan Kar,  
Plot No.-D-30/A,  
BJB Nagar,  
Bhubaneswar,  
Khurda district.....Complainant

**-Vrs-**

Public Information Officer,  
Labour and Employment Department,  
Secretariat,  
Government of Orissa,  
Bhubaneswar.....Opposite Party



**Decision**

1. Complainant Niranjan Kar is present. Prabhakar Mallick, Under Secretary -cum- PIO, Labour and Employment Department is also present. Heard and perused the case records. This matter arises out of complaint petition dated 19.02.2007.
2. This case has already been heard on 3 different occasions namely 21.11.2007, 19.2.2008 and 2.7.2008. On the last occasion, the State Commission had (i) specifically directed the PIO to provide the information to the Complainant within 7 days and report compliance to the State Commission through the Registrar, and (ii) asked the Complainant to provide full and correct postal address of the Secretary, Multi Disciplinary Centre (MDC for short) on Safety, Health and Environment (SHE for short), Bhubaneswar to the State Commission so that appropriate legal notice could be served.
3. The PIO stated today that the Complainant was informed in letter No.5913/LE dated 25.5.2008 to deposit Rs.600/- being the cost for the information as available in the Labour and Employment, and the balance information will be supplied on receipt from MDC on SHE. In spite of specific intimation, the Complainant did not deposit the above amount,

for which the prepared information could not be supplied. However, the PIO informed the State Commission that as the Labour and Employment Department were not the custodian of the information and MDC on SHE is an autonomous organization, the Complainant should have ordinarily approached the MDC for the information as he is a life-member in that organisation, which is a separate Public Authority.

4. The Complainant, on the other hand, alleged he had not received any communication from the Labour and Employment Department asking him to deposit of Rs.600/- . As regards providing the full and correct postal address of the Secretary, MDC, SHE, Bhubaneswar to the State Commission and to obtain the copy of the order passed on 2.7.2008 by the State Commission, the Complainant simply expressed his ignorance, which was not accepted by the State Commission as it tantamounted to non-cooperation with the process of providing him information.
5. In view of the above the State Commission appreciated the action taken by the PIO, Labour and Department and held that there was no initial delay on the part of the PIO. He was, therefore, exonerated with no orders on penalty. The State Commission also recorded the direction that the Secretary, MDC on SHE, C-38, Unit-8, Bhubaneswar give an opportunity to the Complainant to inspect the files and records on payment as per the RTI Act and Orissa Rules framed thereunder and supply permissible information, as available with them, to the Complainant directly within 30 days of receipt of this order. After receipt of the compliance report as cited above from the Secretary, MDC on SHE, Bhubaneswar, the Complainant will inform the State Commission for record.
6. With the above orders the case is disposed of and closed.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 24<sup>th</sup> day of September, 2008.



  
**SCIC**  
24.9.08