

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date: 26th September, 2008

Complaint Case No. 80/2007

Pradeep Kumar Panda,
At-Jagannathpur,
PO-Janhia (Manatri)
Via-Soro
Balasore district.....Complainant

-Vrs-

Public Information Officer,
Works Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Party.



Decision

1. Complainant Pradeep Kumar Panda is present. Lingaraj Naik, PIO-cum- Under Secretary, Works Department, Government of Orissa, Secretariat, Bhubaneswar is also present. Heard. Perused the case record. This matter arises out of complaint petition filed on 24/01/07.
2. Complainant had sought information in form A application dated 19/12/06 from the PIO, Works Department, Government of Orissa, regarding- (i) alleged discrimination by Government in Works Department and non implementation of the Judgement passed in

O.A. 1485 (c) / 98 dated 06/07/98. The case was earlier heard on 19/09/07, 22/01/08 and 14/03/08. The PIO on 19/09/07 had mentioned that the information sought on point no.-1 was not specific, in as much as that he had made a sweeping remark alleging discrimination in Works Department in general, without describing the type of discrimination. However, he had intimated the Complainant on 08/02/07 to deposit Rs.26/- towards cost for providing information on point no.2. The Complainant deposited the cost on 02/03/07 and received the information duly acknowledged by him.

3. The PIO in his showcause had stated that only one form A application was filed by the Complainant before him on 19/12/06. But it seems the Complainant on the same matter had filed, two complaint cases bearing CC no.80/07 and 420/07 before the State Commission. He further pointed out that CC no.420/07 had been heard by the ex-SIC on 29/01/08. While closing the case, he had observed in his decision that the specific details sought for do not come within the ambit of "information" defined under Section 2 (f) of the RTI Act, 2005. Having held as above, ex-SIC had declined to invoke provisions of Section 7 (1) of the Act for any alleged violation of the provisions of the Act. However, the ex- SIC had directed the PIO to refund Rs.26/- received towards cost of information to the Complainant within 7 days. The PIO in obedience to the direction of the State Commission had refunded Rs.26/- vide money order no.5334 dated 02/02/08 to the Complainant..No where the Complainant had averred to have submitted two different form A applications. Hence, it is concluded


that form A application is one but the Complainant approached the State Commission by filing two complaint petitions at two points of time. As the Complaint Case no. 420/2007 have not been disposed of on 29/01/08, this case on self-same cause of action is not maintainable.

4. Hence, the case is disposed of and closed.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 26th day of September, 2008.




SCIC
26-9-08