

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

**Present: Shri Jagadananda, SIC**

**Date: 17<sup>th</sup> September, 2008**

**Second Appeal No. 274/2007**

Benudhar Mohanty,  
Section Officer-I ( Retd.)  
Office of the C.E.P.H, Orissa,  
Qrs. No-E 42/3, Rental colony,  
CRP, Baramunda.  
Bhubaneswar-751015.....Appellant

**-Vrs-**

1. Public Information Officer,  
Housing and Urban Development Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.
2. First Appellate Authority,  
Housing and Urban Development Department,  
Government of Orissa,  
Secretariat,  
Bhubaneswar.....Respondents



**Decision**

1. Appellant Benudhar Mohanty is absent. The same is condoned under Rule 9(2) of the Orissa Information Commission ( Appeal Procedure) Rules,2006. Abanikant Pattanaik, PIO and Rabi Ranjan Mallik, First Appellate Authority, Housing and Urban Development Department, Government of Orissa, Secretariat, Bhubaneswar are present.
2. The Appellant had filed form A application dated 12/11/07 with the PIO, Housing and Urban Development Department, Government of Orissa, Secretariat, Bhubaneswar regarding filling up post of

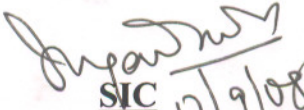
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Establishment Officer in the office of CEPH vide Housing and Urban Development Department no.139130 dated 08/06/05 and stands taken by Government in counter file in O.A. case no. 1125/95. The Appellant sought this information in terms of life or liberty.

3. The State Commission is of the opinion that this is not a fit case for life or liberty under Section 7 (1) of the RTI Act, 2005. The PIO stated that in response to form A application dated 12/01/07 he intimated the Appellant vide letter no.2593 dated 08/02/07 that Government Advocate , office of the Advocate General of Orissa has been requested to vacate the stay order in OJC no.5015 /2000.
4. Being aggrieved the Appellant preferred 2<sup>nd</sup> appeal before the State Commission on 19/07/07. The PIO stated that matter is subjudice before the Hon'ble High Court of Orissa.
5. After hearing the parties, the State Commission remanded the case to the First Appellate Authority to hear the case afresh and pass a reasoned order and provide the permissible information to the Appellant , free of cost and deal with residual grievance, if any, within the stipulated period of 45 days.
6. Subject to compliance at paragraph 5 The case is accordingly disposed of and closed.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 17<sup>th</sup> day of September, 2008.

  
**SIC** 17/9/08