

**BEFORE THE ORISSA INFORMATION COMMISSION**

**BHUBANESWAR**

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

**Date: 1<sup>st</sup> July, 2008**

**Second Appeal No.93/2007**

Judhisthir Nayak,  
Bijay Mandap Sahi,  
At/PO-Odagaon-752081  
Nayagarh District .....Appellant

**-Vrs-**

1. Public Information Officer,  
office of the District Inspector of Schools,  
Bhubaneswar
2. First Appellate Authority,  
office of the District Inspector of Schools,  
Bhubaneswar,  
Khurda District.....Respondents.

**Decision**

1. Appellant Yudhisthir Nayak is present. PIO and First Appellate Authority of the office of the District Inspector of Schools, Bhubaneswar, Khurda District are absent. This is a serious dereliction despite taking note of today's date of hearing. Heard the Appellant. Perused the case record.
2. The Appellant had requested in form A application dated 27/12/06 filed with the PIO, office of District Inspector of Schools, Bhubaneswar, copies of order no. 3739 dated 29/06/95 of the District Inspector of Schools, Bhubaneswar and attested copy of the notesheets and ordersheets pertaining to that letter. The case has been heard earlier by the State Commission on 28/08/07, 30/10/07, 19/12/07 and 29/01/08, in the presence of the parties. The PIO had submitted on 28/08/07 that he

had supplied the information to the Appellant vide letter no.292 dated 24/1/07. The Appellant not getting complete information from the PIO, had preferred first appeal on 30/01/07 who informed the Appellant vide letter no. 865 dated 06/03/07 that the documents of Pabitra Mohan Rath, Peon required by the Appellant were not available in their office. The Appellant had earlier submitted that one Pabitra Mohan Rath was working as contingent peon in the office of D.I. of Schools, Bhubaneswar and according to him, was junior to him in terms of the date of engagement. During the concurrent period, the Appellant was working in the office of the District Inspector of Schools, Nayagarh also as a contingent peon. He wanted to know from the Public Authority, the circumstances under which Pabitra Mohan Rath was regularised in service as a regular peon by overlooking him, as he was senior to Rath.

3. The District Inspector of Schools, Kulamani Nath Sharma had submitted that the matter of regularization of services of Pabitra Mohan Rath related to 1995. The then District Inspector of Schools, Bhubaneswar had sent a proposal to the Director, Elementary Education, Orissa, Bhubaneswar. The Directorate vide letter no.8617 dated 22/06/95 communicated that there was no provision for regularization of services of person engaged under NFE scheme but clarified that Pabitra Mohan Rath working in his office may be appointed as a Peon against any existing vacancy, if he is otherwise found eligible treating him as a fresh entrant. A copy of the said letter of the Directorate of Elementary Education, Orissa, Bhubaneswar was given to the Appellant on 30/10/07 during the course of hearing. The District Inspector of Schools had further mentioned that person engaged under NFE scheme were treated as separate District employees and, therefore, could not claim interse seniority in terms of the date of engagement belonging to two different Districts. He, however, insisted upon getting the copies of notesheets and the orders passed in the file wherein the matter of Pabitra Mohan Rath was proposed for approval

of the Director, Elementary Education, Orissa, Bhubaneswar. The District Inspector of Schools replied that despite of all endeavours he had not been able to trace the relevant files. The then custodian of file Janardan Nayak, ex-Head Clerk of the office is said to have, in the meantime, expired. The District Inspector of Schools expressed his helplessness in locating the file since nothing linked thereto were also available in the Directorate of Elementary Education, Orissa, Bhubaneswar. The State Commission had directed the District Inspector of Schools, Bhubaneswar to submit an affidavit on the fact of the missing file. In obedience to the said orders of the State Commission, Kulamani Nath Sharma, District Inspector of Schools, Bhubaneswar submitted an affidavit dated 14/11/07 duly sworn by him, stating therein that despite all possible attempts under his personal initiatives the file could not be traced out. The same was taken to record. A photocopy of the affidavit was also handed over to the Appellant today during hearing.

4. In view of the fact that documents as available have been given to the Appellant and there is no delay, the case is disposed of and closed. Orders dated 30/10/07 may be read as part of these orders.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 1<sup>st</sup> day of July, 2008.

  
SCIC

1-7-08