

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 21st October, 2008

Complaint Case No.1055 of 2007

Binapani Behera,
At/PO-Sundarpur-752021,
Via-Singipur,
Khurda district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the District Inspector of Schools,
Khurda,
Khurda district
2. First Appellate Authority,
Office of the District Inspector of Schools,
Khurda,
Khurda district.....Opposite Parties

Decision

1. Complainant Binapani Behera is absent. Her absence is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Kiranbala Dalai, PIO and Markat Kesari Ray, First Appellate Authority-cum-District Inspector of Schools, Khurda are present. Heard both the opposite parties. Perused the case record. This matter arises out of complaint petition dated 18.07.07.
2. It reveals from the record that the relevant form A application is dated 24.2.07. It was submitted by both the opposite parties that in respect of the similar form A application covering the same request the Complainant had instituted Complaint Case no.535 of 2007 which after hearing has been disposed of and closed by the State Commission on 26.02.08 by observing that all information have been supplied on time to the Complainant.
3. Having heard the above from the opposite parties the State Commission called for the concerned record of Complaint Case no.535 of 2007 and perused the same.



The above submissions of the opposite parties were amply corroborated by order dated 26.2.08 passed by the State Commission in the said case.

4. In view of the above situation this Complaint Case is not legally tenable. For the same cause of action two independent cases cannot lie. Hence this case is dismissed as not maintainable. A copy of order dated 26.2.08 passed in Complaint Case no.535 of 2007 be kept in this file for reference. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 21st day of October, 2008.



SCIC

21. 10-08