

12. 17/10/08

Complaint Case No. 162/2006

1. Complainant Banshidhar Barik is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Radha Charan Jena, PIO, K.Raj Sekhar Rao, Assistant Section Officer, Pradyumna Kishor Mohanty, Section Officer and Subhransu Sekhar Mishra, Senior Assistant, all of the Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard. Perused the case record.
2. This case has been heard by the State Commission on earlier occasions. As the facts stand, the PIO had endorsed the file to the RTI Section, who in turn had sought the assistance of MS (III) Section of Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar. Since no information was forthcoming from that Section the delay occurred. It was only on 25/09/06 that the file was returned to the RTI Section which was received by Subhransu Sekhar Mishra, Senior Assistant. He retained the file with him till 03/10/06.
3. The case was posted to today to ascertain the delay at different levels from 14/06/06 to 24/09/06. Subhransu Sekhar Mishra stated that due to intervening Dusshera Puja holidays, he was unable to attend the file. There was, he prayed, no malafide intention to sit over the matter or deny access to information. Therefore, he is exonerated. Pradyumna Kishor Mohanty was held responsible for 3 days delay from receipt of the application on 14/06/06 to 17/06/06. He stated that there being an intervening optional holiday, which he had availed, the delay occurred. He, however, did not pray for condonation of the delay. Therefore, he was held responsible for delay of 3 days.

4. The State Commission upon due consideration of the totality of the established circumstances found that Pradyumna Kishor Mohanty, Section Officer is responsible for the delay of 3 days and hence penalty of Rs.750/- @ Rs.250/- per day was imposed on him. He is directed to deposit the said amount within 30 days from the date of receipt of these orders in the Government Treasury under Head "0070-other Administrative Services-60-other Services-118-Receipt Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005". In case he fails to deposit the said penalty amount the Head of the Public Authority will take steps to recover the same from his salary in 3 equal, consecutive, monthly instalments from the salary of January, 2009 payable in February, 2009. If the same is still not realized/recovered, steps shall be taken by the Head of the Public Authority in accordance with the provisions of Rule 13 of the Orissa Right to Information Rules, 2005. Inform Commissioner-cum-Secretary, Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar for necessary action.

5. PIO is directed to submit a chronological date chart on the next date of hearing and come with the official(s) of MS(III) Section who is/are responsible for the delay. Issue notice to PIO, Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar to be present on the next date of hearing.

6. Put up on 06/02/09 for further hearing and orders. Inform the Complainant.

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