

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

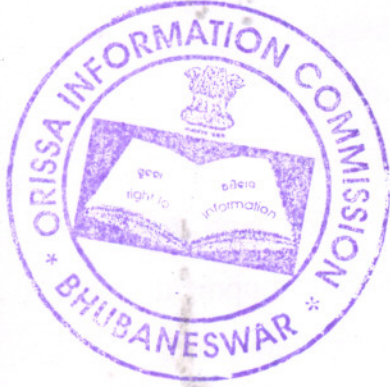
Present: Hon'ble Shri D.N.Padhi, SCIC

and

Shri Jagadananda, SIC

Date: 21st November, 2008

Complaint Case No. 69/2007



Niranjan Panda,
Vill-Adheigundi,
PO-Adheigundi-754037
Cuttack District.....

Complainant

-Vrs-

Public Information Officer,
Office of the Block Development Officer,
Narasinghpur,
Cuttack District.....

Opposite Party

Decision

1. Complainant Niranjan Panda is present. Bharat Kumar Behera, Additional Block Development Officer (ABDO for short), and Rabindranath Das, ex-PIO of Narasinghpur Block, Cuttack district are also present. Heard. Perused the case record. This case has arisen out of complaint petition dated 11/01/07.
2. The Complainant filed form A application dated 05/12/06 before the PIO, Narsinghpur Block which was received by the APIO on 07/12/06. The then APIO who is now ABDO, Banki Block supplied information on 24/01/07 which was stated to be incomplete by the Complainant. During the course of hearing on 18/09/07 the balance information were

handed over to the Complainant by the APIO-cum-ABDO, Narsinghpur Block. This was acknowledged in writing by the former.

3. Since complete information was not received by the Complainant within the stipulated time, he had approached the State Commission on 11/01/07 in a complaint petition.
4. From the showcause reply submitted by the APIO it is seen that the RTI application of the Complainant, Niranjana Panda was delivered to Rasananda Panda, VLW, incharge Dealing Assistant, Development Section to furnish the required information. The latter, it seems, was reminded verbally several times to furnish the information. The Dealing Assistant furnished the information only on one item out of 20 items on 08/01/07 which was then supplied by the APIO on 24/01/07.
5. Rabindranath Das, ex-PIO stated that after getting the information on 08/01/07 from Rasananda Panda, VLW, he intimated the Complainant on 09/01/07 to deposit Rs.10/- towards cost of providing information. The latter deposited the cost on 24/01/07 and received the information the same day. The State Commission opined that the ex-PIO should not have asked the Complainant to deposit the cost of information as the stipulated maximum period under Section 7 (1) of the RTI Act, 2005 had already elapsed. Therefore, the State Commission directed the PIO to refund Rs.10/- to the Complainant forthwith in compliance to the provisions of Section 7 (6) of the RTI Act, 2005.
6. As the Complainant has received all information residual point remaining is the issue of delay. In respect of form A application dated 05/12/06 (received by PIO on 07/12/06) the Complainant was intimated


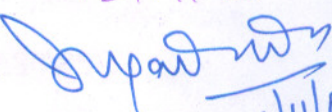
on 09/01/06 to deposit the cost of information which he did on 24/01/06 and received the information. Therefore, there appears a delay of 2 days. The ex-PIO on 18/09/07 had stated that he had sought the assistance of Rasananda Panda, VLW on 11/12/06 to supply the information followed by a reminder dated 26/12/06. Though he was supposed to supply the information within 3 days he responded when the transaction period had already elapsed. The ex-PIO has diligently done his work and Rasananda Panda had utilised most of the transaction period. For the delay of 2 days the attendance of Rasananda Panda was procured by the State Commission on 26/06/08. He was present both on 26/06/08 and 28/08/08 to explain the delay at his level. Finally he was accorded last opportunity today to showcause why penalty shall not be imposed on him for having violated the provisions of Section 7 (1) of the Act. He is absent without any prayer for adjournment or seeking leave of absence. This intentional delay cannot be condoned. Hence the State Commission, not finding any plea of innocence were of the considered view that there was an inexplicable delay of 2 days at the level of Rasananda Panda, VLW and, therefore, the mandatory provision of Section 20 (1) of the Act is attracted. Consequently, the State Commission decided to impose, in absentia (as he has deliberately avoided appearance) a penalty of Rs.500/- on Rasananda Panda, VLW, Narasinghpur Block, Cuttack district under Section 20 (1) of the Act. The penalty in one instalment will be deposited by him within 30 days of receipt of these orders, in the 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", failing which it will be recovered under Rule 9 of the Orissa Right to Information Rules, 2005 by the Head of the Public Authority.



7. Thus the Complaint Case is allowed. Inform all concerned.

Pronounced in open proceedings.

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


SCIC
21.11.08

SIC 21/11/08