BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR
Present: Hon'ble Shri D.N.Padhi, SCIC
and
Shri Jagadananda, SIC
Date: 18th November, 2008
Complaint Case No. 07/2007

Ananta Charan Mishra,
House No.M-II-9,
Housing Board Colony,
Phulbani-762001,
Kandhamal district.....Complainant

-Vrs-

Public Information Officer,
Health and Family Welfare Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Party

Decision

1. Complainant Ananta Charan Mishra is present. Mohanlal Prasad Dhanwar, PIO and Kailash Chandra Khatai, ex-PIO, both of Health and Family Welfare Department, Government of Orissa, Secretariat, Bhubaneswar (Department for brevity) are also present. Heard. Perused the case record. The Complainant had filed a second appeal dated 20/12/06 under Section 19 of the RTI Act, 2005 (Act for short) which, after scrutiny under the Orissa Information Commission (Appeal Procedure) Rules, 2006, was accepted as a complaint.

2. The Complainant in form A application dated 30/10/06 wished to know the status of sanction and payment of compensatory allowance, reimbursement of University fees etc to him.

3. The PIO expressed his inability to furnish the information vide letter no. 33975 dated 09/11/06 on the ground that the information related to a period beyond 20 years. The State Commission had observed that the PIO while rejecting the application was obviously under the wrong impression that since the information related to a period prior to 20 years, it cannot be provided under Section 8 (3) of the RTI Act, 2005 (Act for short). This was pointed out to him that it was not the correct position or interpretation. On the contrary, the Act stipulates that any information exempted under Section 8 except subsections (1) (a) (c) and (i) which has taken place more than 20 years back could be furnished by the PIO. Hence, the application had been rejected on wrong understanding of the relevant provisions.

4. The case was earlier heard by the State Commission on 28/08/07, 11/10/07, 05/12/07, 25/06/08 and 21/08/08. It was on 25/06/08 that the State Commission had directed the PIO to do well in providing the information itemwise to the Complainant. The PIO stated that the arrear claim of the Complainant amounting to Rs.6031/- under T.E. and Rs.568/- under R.C.M. had been sanctioned by vide Order no.22257 dated 26/09/08 and the Complainant intimated accordingly vide letter no.25427 dated 14/11/08. The Complainant stated that he has not received the information regarding compensatory allowance. The PIO is directed to provide the same to the Complainant by

December 15, 2008 and report compliance to the State Commission through the Registrar.

5. With the above direction the case is disposed of and closed with no orders on penalty as the rejection was within the prescribed maximum time limit. Apart from that the request was personal in nature with no public interest involvement.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 18th day of November, 2008.

SCIC
18.11.08

SIC 18/11/08

ORISSA INFORMATION COMMISSION * BHUBANESWAR *