

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

and

Shri Jagadananda, SIC

Date: 25th November, 2008

Complaint Case No. 85/2007



Baghambar Pattanaik
At/PO-Dimirisena-752011,
Via-Brahmagiri,
Puri District.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Chief Secretary,
Government of Orissa,
Secretariat,
Bhubaneswar
2. First Appellate Authority,
Office of the Chief Secretary,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Baghambar Pattanaik is present. Judhisthira Pradhan, PIO-cum-Under Secretary, General Administration Department, Government of Orissa, Secretariat, Bhubaneswar is also present. Heard. Perused the case record. This case has arisen out of complaint petition dated 27/01/07.
2. The case was earlier heard on 27/04/07, 10/08/07, 16/11/07. 14/02/08, 25/07/08. The Complainant had sought for information in form A

application dated 20/11/07 from the PIO, office of the Chief Secretary to Government of Orissa, Bhubaneswar relating to the Action Taken Report (ATR for short) on the three demiofficial letters of the Secretary to Government of India, Ministry of Labour, New Delhi to Chief Secretaries of all States/UTs viz DO letters no. R 11011/2/98 BKL dated 08/08/2000, DO no.H 11016/14/2001 BL dated 09/04/02 and DO no.H 11016/14/2001 BL dated 30/07/02.

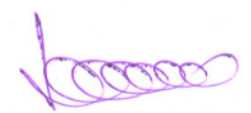
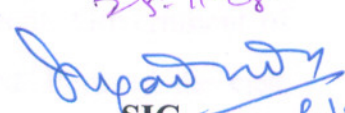
3. The Complainant mentioned that prior to that he had also applied in form A application dated 21/09/06 to the PIO, General Administration Department on the action taken on each of the said three demiofficial letters. It seems his application, after a series of inter-departmental transfers finally reached the Panchayati Raj Department as they are the administrative department for this subject under the Secretariat Rules of Business. The PIO, Panchayati Raj Department, Government of Orissa, Secretariat, Bhubaneswar did not give the required information. Thereafter, he preferred appeal before the First Appellate Authority of the Panchayati Raj Department.
4. As if all these movements were not enough, the Panchayati Raj Department sent back the application to General Administration Department vide letter no.6002 dated 21/01/07.
5. Thereafter, the First Appellate Authority of General Administration Department in turn informed the Panchayati Raj Department vide letter no.210 dated 15/03/07, to collect copies of the letters from the Applicant (Complainant) as they had given a copy of the demiofficial letter of the Government of India dated 08/08/2000 to him. As regards the other two demiofficial letters they were not traceable in the General Administration Department.

6. The Complainant confirmed that he had received the information regarding the status and action taken on the issue as all the three demiofficial letters refer to the same matter
7. The records indicate delay due to the confusion created by several applications made by the Complainant on the same matter with different Authorities in the State, all of which flowed down to the Panchayati Raj Department. Having replied to one RTI application on time, delay occurred in other cases on the impression that no further action was required on the similar RTI applications. This was appreciated by the Complainant. The situation points to circumstantial delay, which cannot be held as deliberate or malafide on the part of the PIO(s) and / or referred PIOs.
8. In view of the above position, the case is disposed of and closed.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 25th day of November, 2008.




SCIC
25-11-08

SIC 25/11/08