

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Shri Jagadananda, SIC**

**Date: 28<sup>th</sup> November, 2008**

**Complaint Case No. 808/2007**

Sharat Kumar Rout,  
Journalist,  
At-Maitry Janapada,  
Naharkanta,  
Bhubaneswar ..... Complainant

**-Vrs -**

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

**Decision**

1. Complainant Sharat Kumar Rout is present. Niranjana Behera, ex-PIO, Surendra Thakur, PIO and Sukadev Sethi, Director Health Services, Orissa, Bhubaneswar (Directorate for short) are also present. Heard both parties and perused the case record. This case has arisen out of complaint petition dated 19/06/07. This case was earlier heard by the State Commission on 26/07/08 and 11/09/08.
2. As admitted by both parties, Complainant's form A application dated 30/08/06 was received by the PIO of the Health and Family Welfare Department (Department of short) on the same day. The Complainant had sought for information i.e. copies of statement prepared by the Directorate

for transfer and posting of S.I./MPHS from the year 2003 to 2006 and the copies of such transfer orders passed by the Directorate.


3. The PIO of the Department transferred the form A application to the Directorate under intimation to the Complainant vide letter no.22274 dated 07/09/06 as the information sought related to the Directorate. The PIO of the Department should have transferred the application within 5 days as prescribed under Section 6(3) of the RTI Act, 2005 (Act for short). He had caused delay in transferring the application which needs to be avoided by him while dealing with similar requests in future. With the above observations the PIO/referred PIO(s) of the Department are exonerated.
4. Perused the inquiry report dated 25/08/08 of the Director, Health Services, Orissa and the chronological datewise event chart dated 31/10/08 of the PIO. From the enquiry report it is found that the Applicant was intimated by the PIO to deposit cost of information on 11/10/06. (However information as sought for has been provided to the Complainant on 19/08/08, free of cost). As regards delay of 4 days, it is submitted by the opposite parties that Laxmindhar Mishra was dealing with the matter in addition to his other duties and that the Directorate has not been able to create a separate dedicated RTI Cell due to dearth of base level posts.
5. During the earlier hearing on 11/09/08, it was submitted by the PIO that the ex-PIO Niranjan Behera during whose tenure the form A application was received is the competent person to unfold the substratum of this case. Accordingly, the ex-PIO Niranjan Behera is present today.
6. Complainant stated that in the meantime he had received all information from the PIO after due intervention by the State Commission. The ex-PIO submitted that to supply the information, massive ground work had to be


done for which a small delay occurred which was unintentional and he had no malafides to withhold the same. The State Commission on due consideration of all the proven facts and circumstances of the case were of the opinion that ex-PIO Niranjana Behera had discharged his public duties with due diligence.

7. For the reasons aforesaid the State Commission while condoning the delay, exonerated the ex-PIO Niranjana Behera and all the opposite parties. As the Complainant had received all information, free of cost, there is no need to prolong this case which is hereby disposed of and closed.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this 28<sup>th</sup> day of November, 2008.

  
SCIC  
28.11.08

  
SIC 28/11/08