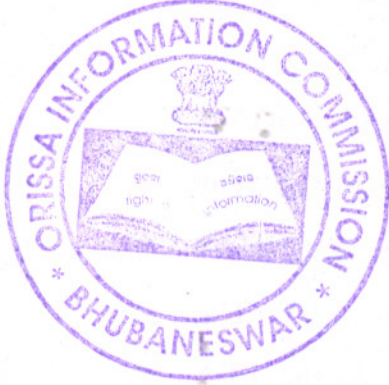


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Shri Jagadananda, SIC

Date: 28th November, 2008

Second Appeal No. 424 / 2007



Ashok Kumar Behera,
Senior Assistant,
Office of the Engineer-in-Chief,
Water Resources, Orissa,
Sechasadan (Behind Secretariat),
Keshari Nagar, Unit-V,
Bhubaneswar.....Appellant

-Vrs-

1. Public Information Officer,
ST and SC Development Department,
Government of Orissa,
Secretariat,
Bhubaneswar.
2. First Appellate Authority,
ST and SC Development Department,
Government of Orissa,
Secretariat,
BhubaneswarRespondents

Decision

1. Appellant Ashok Kumar Behera is present. Biswajit Mishra, Additional Secretary-cum-First Appellate Authority and Harischandra Rout, Assistant Director (Headquarters)-cum-PIO, ST and SC Development Department, Secretariat are present. Heard. Perused the case record.

2. The Appellant had filed form A application before the PIO on 22.09.07 seeking information on implementation of the directions given by the Hon'ble Supreme Court of India on 16.11.92 in the case of Indra Sawhney -Vrs- Union of India. The PIO vide his letter dated 26.10.07 simply provided a copy of the Constitution (77th Amendment) Act through which Article 16 (4-A) was brought into existence in the year 1995. Being unsatisfied with the above the Complainant filed First Appeal before the First Appellate Authority in form D on 16.11.07. The First Appellate Authority in his order upheld the decision of the PIO. Hence this Second Appeal has been filed by the Appellant before the State Commission.
3. Today, the PIO and First Appellate Authority mention that the relevant judgement of the Hon'ble Supreme Court was published in all India Report and there was no scope to amend Rule 3 of the ORV Rules as 77th Amendment came up in 1995 by introducing a non-obstante provision about the policy of reservation in respect of promotion.
4. First Appellate Authority also submits that as per the provision of the RTI Act, 2005 the Public Authority is legally obliged to supply information available in the form of any material but not to formulate any opinion/views on any subject. Considering the above he upheld the views of the PIO .
5. After hearing both the parties as above, the State Commission is of the conclusion that the PIO and First Appellate Authority have acted judiciously and information that was available with them had been

furnished to the Appellant. There is no remaining issue for consideration. Therefore the present appeal is dismissed and closed.

Pronounced in open proceedings.

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

[Handwritten Signature]
28/11/08
SIC

