

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

**Present:- :- Hon'ble Sri D.N. Padhi, SCIC**

**And**

**Prof. Radhamohan, SIC**

Dated:- 06th February, 2007

**Second Appeal No 127/2006**

Sri Raj Kishore Mathur,  
Jai Maa Ambe, Statue Square,  
Bhawanipatna-766001,  
Kalahandi District.....Appellant

-Vrs-

1. Public Information Officer,  
Office of the Superintending Engineer,  
KBK Minor Irrigation Circle,  
Bhawanipatna.
2. 1<sup>st</sup> Appellate Authority  
Office of the Superintending Engineer,  
KBK Minor Irrigation Circle,  
Bhawanipatna.....Respondents

**Decision**

1. Appellant Shri Rajkishore Mathur is absent. The PIO and the First Appellate Authority of the office of the Superintending Engineer KBK, Minor Irrigation Circle, Bhawanipatana are present. Absence of the Appellant will not vitiate the merits of his case in view of the statutory option available to choose either to remain present or absent on the date of hearing.

2. It is seen from the record that the Appellant had sought for information from the PIO (Respondent) by submitting form A application on 02/09/06. The information sought related to supply of photocopy of the total income, assets and wealth of Shri Pradeep Kumar Padhy, Executive Engineer, Minor Irrigation Division, Rayagada.
3. The PIO promptly informed the Appellant on 04/09/06 that the information sought for by the Appellant has been statutorily exempted u/S 8 (j) of the RTI Act, 2005 (Act for short), in as much as they relate only to personal information. The PIO (Respondent) also submitted that no such information was available in the Public Authority, which is more likely to be available in the Government of Orissa in Water Resources Department. The PIO could have, however, transferred the application u/S 6 (3) of the Act.
4. The Appellant felt aggrieved by the said order of the PIO and impugned the same before the First Appellant Authority on 12/09/06. The latter by his order dated 12/12/06 upheld the order of the PIO and dismissed the appeal.
5. From the above discussed factual position it is clear that neither the PIO nor the First Appellant Authority have violated any of the provisions of the Act. On the contrary they have been very reasonable and diligent in discharging their statutory obligations. Thus their orders cannot be interfered with in as much as they have committed no legal wrong while dealing with the RTI application.

6. For the reasons aforementioned, the State Commission while upholding both the decisions of the Learned Forums below dismiss the appeal by recording an observation that the Appellant Shri Mathur, if so desires, may seek information by submitting a fresh form A application before the PIO of the Water Resources Department of the Government of Orissa, for response as per the law.

**Pronounced**

Given under the hand and seal of the State Commission, this the 06<sup>th</sup> day of February, 2007.

1. Public Information Officer,  
Office of the Superintending Engineer,  
KPK Minor Irrigation Circle,  
Bhawanipatna  
2. 1<sup>st</sup> Appellate Authority,  
Office of the Superintending Engineer,  
KPK Minor Irrigation Circle,  
Bhawanipatna..... Respondents

*[Signature]*  
**Hon'ble SCIC**  
6.2.07

*[Signature]*  
**SIC**

**Decision**

Appellant Shri Rajkishore Mathur is absent. The PIO and the First Appellate Authority of the office of the Superintending Engineer KPK, Minor Irrigation Circle, Bhawanipatna are present. Absence of the Appellant will not vitiate the merits of his case in view of the statutory option available to choose either to remain present or absent on the date of hearing.

*Pushpa*