

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Date: 30th October, 2007**

**Complaint Case No. 30/2007**



Shri Tarakanta Mohanty,  
Retired Office Superintendent,  
At/PO-Sukinda -755018,  
Jajpur District.....Complainant

-Vrs-

Public Information Officer,  
Khurda Collectorate,  
Khurda District.....Opposite Party

**Decision**

1. Complainant Shri Tarakanta Mohanty is present and files a petition dated 30.10.2007 requesting the State Commission to issue directions to Collector, Khurda District to sanction his unutilized leave and return the duplicate service book to him. Shri Nigamananda Panda, PIO, Khurda Collectorate is present and files his showcause memorandum which is taken to record. Heard both sides and perused the record.
2. This case was last listed for hearing on 04.09.2007 when it seemed that the PIO Shri Panda was absent without any information and the State Commission recorded their displeasure for the said fault. It was noticed today from the record that Shri Panda had, indeed, in his letter no. 349 dated 16.08.07 sought for an adjournment on the ground that he was on E.L. The said prayer had been received in the State Commission on 20.08.2007 and been marked to the Court Master. He should have been alert in placing the said letter before the State Commission on 04.09.2007 so that the observations supra could have been avoided. The Court Master will do well to prevent recurrence of such situations.
3. Now coming to the merits of the case it is seen that though the form 'A' application is dated 15.11.2006, it has been received by the PIO on 18.11.2006.

The latter sent intimation to the Complainant in form 'B' on 03.12.2006 to deposit the cost for providing information. The Complainant sent the amount by money order which was received by the PIO on 26.12.2006. Thereafter the information was sent by post to the Complainant on 16.01.2007.

4. The PIO submitted that the small delay of 4 (four) days was due to his engagement in Electoral Roll Revision 2007 as he was in charge of the Election Section of the Public Authority at that time. He further submitted that he had no malafide intention in withholding the information. He prayed the State Commission to exonerate him.
5. The Complainant submitted that his retiral benefits have been withheld because of the pendency of a disciplinary proceedings against him. He further asserts that the proceeding has been quashed by the Orissa Administrative Tribunal (Tribunal for short). Despite orders of the Tribunal communicated to the Collector, Khurda District no action has been taken to release his pensionary benefits. It is clarified to the Complainant that his request does not fall within the ambit of the RTI Act, 2005. It is open to him to raise the said issues before the Tribunal. However, the grievance of the Complainant that he is not getting an opportunity to use his duplicate service book to defend himself in any other pending Departmental proceedings can be reasonably taken care of by giving a direction to the Marshalling Officer appointed for the said Departmental proceedings to produce the duplicate service book of the Complainant on the date of hearing of the proceedings before the Enquiring Officer. Hence ordered as such. Collector, Khurda District be accordingly informed.
6. Thus upon careful consideration of the rival submissions of the parties the State Commission is of the considered opinion that the PIO had no ill intention and he had taken reasonable and diligent steps to provide

information as defined in the RTI Act,2005 to the Complainant. PIO Sri Nigamananda Panda is, therefore, exonerated and the case is disposed of and closed.

7. The copy of this order be sent to Collector, Khurda District for information and necessary action.

**Pronounced**

Given under the hand and seal of the State Commission, this the 30th day of October, 2007.



**Hon'ble SCIC**

30-10-07

