

**ODISHA INFORMATION COMMISSION  
BHUBANESWAR**

**Present : Shri Tarun Kanti Mishra,  
State Chief Information Commissioner**

**Date 07<sup>th</sup> November, 2012**

**Second Appeal No. 196/2011**

Santosh Kumar Kunda,  
At/P.O.- Abhayamukhi,  
Via- Banamalipur,  
Dist.- Khurda ..... Appellant

**-Vrs-**

(1) Public Information Officer,  
Parliamentary Affairs Department,  
& office of the Chief Minister,  
Odisha, Bhubaneswar.

(2) First Appellate Authority,  
Parliamentary Affairs Department,  
& office of the Chief Minister,  
Odisha, Bhubaneswar..... Respondents

**Decision**

1. Appellant Santosh Kumar Kunda is present. Sk. Jahed Alli, PIO-cum-Under Secretary to Government, and Ganesh Prasad Mishra, Assistant Section Officer, both from Parliamentary Affairs Department, Government of Odisha, Bhubaneswar are present.
2. The appellant filed form-A application dated 29.04.2011 with the PIO seeking some information on the action taken on his applications dated 18.01.2011, dated 29.03.2011 etc. demanding vigilance inquiry and others. On scrutiny of the application, the PIO noticed that the Indian Postal Order amounting to RS.10/- sent by the appellant towards application fee was not in proper order. He noticed that the Indian Postal Order (IPO) was shown payable to the Accounts Officer, office of the

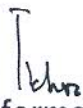
Chief Minister, Odisha payable at Post Office at Puri. He, therefore, rejected the defective application as invalid and duly intimated the appellant about such rejection vide Parliamentary Affairs Department letter No.2231, dated 04.05.2011. Thereafter, the appellant approached the First Appellate Authority with Form-D application, dated 25.05.2011. The same was rejected by the First Appellate Authority vide Parliamentary Affairs Department letter No.3200, dated 16.06.2011. Aggrieved with such decision, the appellant approached the Commission with form-E application dated 27.06.2011.

3. The Commission heard the appellant and the PIO on 03.09.2012. The Commission also perused the records. The PIO had rejected the application on the ground that the IPO was not in order. He submitted that the IPO should have been payable to the PIO, office of the Chief Minister, Odisha at the Post Office at Bhubaneswar. But the IPO sent by the appellant was payable to Accounts Officer, office of the Chief Minister, Odisha payable at the Post Office at Puri. In response the appellant stated that he has received a clarification from the office of the Chief Post Master General, Odisha Circle vide letter dated 20.07.2012 that as per Rule 189(1)(a) of Volume-VI Part-II, if the Postal order has been made payable at an office other than one at which it is presented it may be paid, provided that the person presenting it is known to the Post Master or any member of the Post Office not below the rank of Postman, and the said Postal Order is not time barred. The appellant alleged that despite such codal provisions, the Indian Postal Order presented at a different office is not entertained by the PIO. In reply, the PIO stated that such reluctance is on account of non-acceptance of Postal Order by the Postal Authorities. For instance, he mentioned that the Postal Order payable at other places are not accepted by the Secretariat Post Office. This is an issue which, in the opinion of the Commission, should be sorted out by the Government urgently in consultation with the Chief Post Master General, Odisha Circle. Clarificatory orders should be issued by the Chief Post Master General, Odisha Circle and the State Government separately to rule out any confusion or lack of harmony.

4. The PIO had further mentioned that the IPO sent by the appellant was payable to the Accounts Officer instead of PIO. The appellant contended that there is no specific provision in the rules that the IPO should be payable to the Public Information Officer. The Commission perused the relevant rules framed by the Government. Unlike the rules for the Central Information Commission which made it specific that the Indian Postal Order should be payable to the Accounts Officer, there is no specificity in the rules framed by the Government of Odisha. This leaves a wide gray area of confusion. The Government in Information and Public Relations Department is advised to amend the Odisha Right to Information Rules, 2005 providing specifically that the IPO is to be drawn in favour of the Public Information Officer.
5. By rejecting the application of the appellant, the PIO and the First Appellate Authority have not acted with any mala fide. They acted in good faith. Considering, however, the ambiguity and discrepancies as discussed above, the Commission directs the PIO to treat the form-A application, dated 29.04.2011 as valid form-A application and furnish the available and admissible information to the appellant on payment of cost of information as prescribed. A copy of this order should be sent to Secretary, Information & Public Relations Department for initiating action, as suggested in paras 3 and 4 above. With these observations and direction, the case is closed.

**Pronounced in open proceedings**

Given under the hand and seal of the Commission this day, the 07<sup>th</sup> November, 2012.

  
**State Chief Information Commissioner**  
07.11.2012  
7. 11. 12.