

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present : Shri Sunil Kumar Misra,
State Chief Information Commissioner**

Date 9th July, 2018

Second Appeal No.2328/2015

Biswajit Mohanty,
Shantikunj, Link Road,
District-Cuttack.....Appellant

-Vrs-

1. Public Information Officer,
Office of the D.G. of Police,
State Police Headquarter, Buxi Bazar,
Cuttack.
2. First Appellate Authority,
Office of the D.G. of Police,
State Police Headquarter, Buxi Bazar,
Cuttack.Respondents

Decision

1. Appellant, Biswajit Mohanty, is present. Rabi Narayan Behera, PIO-cum-AIG of Police (Headquarters), State Police Headquarters, Odisha, Cuttack is also present. Earlier, the PIO had sent a written submission dated 13.06.2018. The appellant had also submitted certain additional documents vide letter dated 14.06.2018. These are on record.

2. Vide an application in form-A dated 19.05.2015 filed with the PIO, Home Department, Government of Odisha, Bhubaneswar, the appellant had requested the PIO to provide him photocopies of all the letters received from MLAs, MPs, Ministers of the State and the Central Government and office-bearers of political parties recommending transfer / posting of police officers or recommending cancellation of their transfer and posting orders. The application

was transferred by the PIO of the Home Department to the PIO, Office of the Director General of Police, Odisha. The transferee PIO issued to the appellant a Form-C dated 05.06.2015 intimating that the information sought by him came under the exempted category of Section 8(1)(c) of the Act and, therefore, could not be provided.

3. Aggrieved, the appellant filed first appeal before the First Appellate Authority-cum-Inspector General of Police (Modernization), State Police Headquarters vide an appeal memo in form-D dated 08.06.2015. The appellant contended in the first appeal that Section 8(1)(c) was not applicable to the case as the letters of recommendation etc. sought by him were not the subject of any enquiry or proceedings pending before the Legislature. The First Appellate Authority disposed of the appeal vide an order dated 23.06.2015 stating that he was in agreement with the decision taken by the PIO.

4. Aggrieved with the order of the First Appellate Authority, the appellant filed the subject second appeal vide an appeal memo in form-E dated 21.09.2015. In the second appeal, apart from reiterating the grounds earlier raised in the appeal memo in form-D, the appellant also contended that the information sought by him was of immense public interest as disclosure thereof would reveal the accountability of the public authority. Unless the desired information was provided, the principles of accountability, transparency and prevention of corruption as enshrined in the preamble to the RTI Act, 2005 would not be achieved. The appellant further urged that the respondents be penalized under Section 20(1) for illegal rejection of his request which led to avoidable delay.

5. This case was earlier heard on 8 occasions. During the said earlier hearings, the PIO and the First Appellate Authority defended the stand taken by

