

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

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

Dated: 28th December, 2016

Second Appeal No.2162/2014

Binapani Sadual,
C/o Dr. R.R. Sadual,
Near Sub-Divisional Hospital,
Panposh, Rourkela-4,
District-Sundargarh

..... Appellant

- Vrs -

(1)Public Information Officer,
(2)First Appellate Authority
Office of the Superintendent of Police (Vigilance),
Sambalpur Division,
District-Sambalpur

..... Respondents

Decision

1. Appellant, Binapani Sadual, is absent. However, she is represented by Anjan Kumar Jena, Advocate. Vakalatnama in his favour had been earlier submitted and the same forms part of records. Cornelius Bilung, Inspector of Police (Vigilance), Sambalpur Division, Sambalpur district is present on behalf of the PIO, Office of the S.P., Vigilance, Sambalpur. The latter makes a written submission which is taken on record.
2. Vide an application in Form-A dated 13.4.2014 filed before the PIO, Office of the D.G. of Police (Vigilance), Odisha, the appellant had requested the PIO to provide to her the following documents relating to Sambalpur Vigilance P.S. Case No.86 dated 31.3.2012 and Sambalpur Vigilance G.R. Case No.01 of 2013:

1. Copy of I.R. (Internal Report),
2. Copy of SVR (Specific Verification Report),
3. Complaint of K.K. Sadual, and,
4. Entire reports and requisition of Mr. P.K. Naik, Inspector of Vigilance, Rourkela.

3. The said application was transferred by the PIO & S.P., Coordination, Vigilance Directorate, Cuttack to the PIO, Vigilance Division, Sambalpur under intimation to the applicant vide memo No.2629 dated 15.4.2014. The PIO-cum-DSP, Vigilance, Sambalpur under his letter No.22 dated 1.5.2014 expressed his inability to supply the documents stating that the same related to pending investigation in Sambalpur Vigilance PS Case No.86/12 (G.R Case No.1/13) and, moreover, IR & SVR and the related correspondences were secret documents which could not be supplied in view of the bar under Section 8(1)(g) / (h) of the RTI Act, 2005.

4. Aggrieved with the above order of the PIO, the appellant filed first appeal before the S.P. Vigilance, Sambalpur, vide an appeal memo in Form-D dated 26.5.2014. The First Appellate Authority disposed of the appeal vide his order dated 28.6.2014 stating as under:

1. The complaint letter of K.K.Sadual is not available in this Officer,
2. IR & SVR being secret documents cannot be supplied to the applicant as it is barred under Section 8(1)(g) of the RTI Act,
3. Case related documents are barred under Section 8(1)(h), hence cannot be supplied to the applicant as the case is under investigation.

5. Aggrieved with the order of the First Appellate Authority, the appellant filed the subject second appeal vide an appeal memo in Form-E dated 2.8.2014. It was alleged in the second appeal that the First Appellate Authority passed his order mechanically, without any application of mind. He merely repeated the order of the PIO. Further, while several documents including citations of various decisions of the Central Information Commission had been annexed to the appeal memo, the First Appellate Authority did not peruse such documents. It was also stated that while in his order the PIO had not made any mention regarding non-availability of the letter of K.K. Sadual, the First Appellate

