

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

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

Date 15th March, 2017

Second Appeal No.2194/ 2014

Ajaya Sutar,
At-Kesarada,
PO-Sudarsan, Via-Kolar,
District-Jagatsinghpur.....Appellant

-Vrs-

1. Public Information Officer,
Office of the Executive Engineer,
Drainage Division, Gandarpur,
District-Cuttack.
2. First Appellate Authority,
Office of the Executive Engineer,
Drainage Division, Gandarpur,
District-Cuttack.....Respondents

Decision

1. Appellant, Ajaya Sutar, is present. Dibakar Sahoo, PIO, Office of the Executive Engineer, Drainage Division, Cuttack; and, Pradeep Sagar Duria, EX-First Appellate Authority-cum-Executive Engineer, Drainage Division, Cuttack, are present. Both of them submit affidavits which are taken on record.

2. Vide an application in Form-A dated 09.06.2014 filed with the PIO, Cuttack Drainage Division, Gandarpur, the appellant had sought from the PIO certain information regarding 4 drainage works carried out in the Division during the year 2011-12. He had also sought to know in how many cases F2 contracts had been given (i.e. up to Rs.50,000/-), names and addresses of such contractors and details of the amounts paid to the said contractors.

2.1 The appellant followed up his application in Form-A by filing first appeal vide an appeal memo in Form-D dated 11.07.2014 and, thereafter, the subject second appeal vide an appeal memo in Form-E dated 02.09.2014.

3. At the time of the hearing on 09.01.2017, the PIO made a written submission stating that while information was being prepared, the appellant attended his office on 12.07.2014, verified all the required documents and he was also satisfied with the information given. The PIO enclosed to his written submission a letter stated to have been written by the appellant to the above effect. At the time of the said hearing, the Commission did not consider the submission thus made by the PIO as credible. Firstly, there was no reason as to why the PIO did not pass any order which is mandatory under the RTI Act. Secondly, the appellant had not even asked for any opportunity to inspect the documents. Thirdly, there was no evidence to show that inspection was allowed to him. Fourthly, if the appellant was satisfied on 11.07.2014 itself, there was no reason as to why he filed first appeal on the same date and second appeal on 02.09.2014 i.e. after nearly 2 months. In the second appeal, he had clearly stated that he had not received any information. In fact, on being informed by the Registry of the Commission that he had not paid the court fee, the appellant also paid court fee of Rs.25/-. For the above reasons, the Commission directed the PIO to produce records to prove that inspection was done. The First Appellate Authority was also directed to show cause as to why he should not be proceeded against under Section 20 for failure to dispose of the appeal. The PIO and the First Appellate Authority were directed to submit their written memoranda in the form of affidavits.

4. At the time of the hearing on 27.01.2017, no evidence was produced to prove that inspection had been done by the appellant. The PIO and the First Appellate Authority only submitted an order-sheet / note-sheet purported to be evidence for the inspection. They also filed their affidavits.

4.1 In the affidavits submitted by the PIO and the First Appellate Authority, it was stated that the appellant was requested verbally to verify the records and select which information he needed. He attended the office on 12.07.2014, verified the records and