

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

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

Date 29th April, 2013

Second Appeal No.414/2013

Hemanta Kumar Panda,
At/PO- Jaipatna
(Pradhanipada),
Dist.-Kalahandi-766018.....Appellant.

-Vrs-

Public Information Officer,
Office of the Executive Engineer,
Telengiri Canal Division,
At/PO- Bariniput,
Dist.- Koraput.

First Appellate Authority
Office of the Executive Engineer,
Telengiri Canal Division,
At/PO- Bariniput,
Dist.- Koraput.....Respondents

Decision

1. Appellant Hemanta Kumar Panda is absent. Amulya Kumar Dandapat, PIO-Cum-Estimator in the office of the Executive Engineer, Telengiri Canal Division, Bariniput, Koraput District is present.
2. The appellant has submitted a petition dated 18.04.2013 stating that the PIO did not supply the information in time and had intentionally abused the power. He has requested the Commission to impose penalty on the PIO for the delay. Heard the PIO and perused the records.

3. Appellant Hemanata Kumar Panda filed Form-A application dated 01.08.2012 with the PIO seeking information regarding execution of ongoing civil works in Telengiri Canal Division, Bariniput, Koraput District. On scrutiny of the application, the PIO noticed deficiency in the proof of identity. He has noticed that there is discrepancy in the name of the appellant's father. He, therefore, rejected the Form-A application while communicating the appellant the fact of rejection vide his letter No.1782, dated 24.08.2012. Thereafter, the appellant approached the First Appellate Authority with Form-D application dated 12.09.2012. The First Appellate Authority requested the appellant to appear at his office on 04.10.2012 for consideration of his appeal. The appellant, however, did not attend the hearing on 04.10.2012. In his absence, the First Appellate Authority considered the appeal and his decision was communicated to the appellant vide letter No.2126, dated 04.10.2012. In his order, the First Appellate Authority upheld the decision of the PIO. Since the appellant was not aware of the decision of the First Appellate Authority, he approached the Commission with Form-E application dated 28.11.2012. As the appellant has alleged that the appeal is still pending with the First Appellate Authority, the Commission in his order dated 02.01.2013 directed the First Appellate Authority to dispose of the case within 30 days by passing a speaking order and intimate the appellant about such decision. Accordingly, the First Appellate Authority communicated his decision to the appellant. Being aggrieved, the appellant once again approached the Commission with Form-E application dated 14.02.2013.

4. In course of hearing the PIO submitted that as per the direction of the Commission, the First Appellate Authority had decided the appeal and the requested information has been furnished to the appellant vide letter No.1487, dated

29.03.2013. He produced a copy of this letter which was sent under registered post with A.D. Since this decision of the First Appellate Authority has been conveyed to the appellant after the filing of the Form-E application dated 14.02.2013 and since the appellant is absent today, it is presumed that he is satisfied with the information furnished to him. However, he is aggrieved that there is a delay. Explaining the delay, the PIO submitted that he rejected the application because of deficiency in the Form-A application and that the denial of information is not willful. The PIO submitted that the name of the applicant's father as given in the Form-A application differed from the copy of the Voter Identity Card submitted by the appellant as proof of identity. The Commission noticed that the name of appellant's father in the Voter Identity Card is mentioned as "Binayak Panda" whereas the name mentioned in Form-A application is "Binayak Prasad Panda". Such discrepancy could have been overlooked by the PIO as it is not a very uncommon discrepancy. The Commission observed that minor deficiencies or defects in the RTI application should be overlooked, if the bona fides are not suspect. However, there is no willful denial or mala fide on the part of the PIO. The information has been furnished and in his petition dated 18.04.2013, the appellant has not stated that the information is incorrect or incomplete. In view of the foregoing, the case is closed.

Pronounced in open proceedings

Given under the hand and seal of the Commission this day, the 29th
April, 2013.

State Chief Information Commissioner
29.04.2013