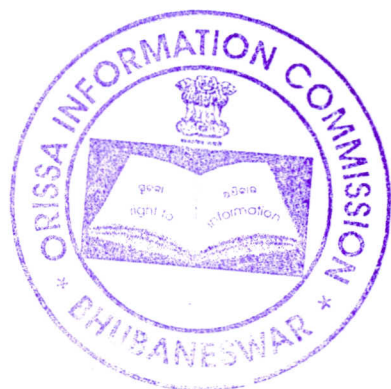


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Hon'ble Shri D.N. Padhi, SCIC

Date 11th February, 2009

Complaint Case No.1959/2007



Rajendra Kumar Mishra
At-Jhagadugadia
PO Sagada,
Via Manamunda,
Boudh districtComplainant

-Vrs-

Public Information Officer,
Office of the District Inspector of Schools,
Boudh Circle,
Boudh district.Opposite Party

Decision

1. Both parties are absent on call. Perused the case record. This case arises out of complaint petition dated 27.09.07 and heard earlier on 2.10.08.
2. It reveals from the record that the Complainant in form A application dated 27/09/07 had sought for information on the actions of the District Inspector of Schools, Boudh.
3. The PIO submitted to have received the form A application by post on 01/10/07. He informed the relevant Section of his office to submit the information by 18/10/07. The Complainant was also requested by the PIO, in letter no.3908 dated 12/10/07 to come and inspect the records on 17/10/07. The Complainant failed to appear. The PIO further submitted that he had intimated the Complainant to deposit Rs.1400/- towards cost of providing information/documents vide letter no.3946 dated 15/10/07, which he did not comply with.
4. On 2.12.08 it was observed by the State Commission that as the Complainant was absent, it would not be just and equitable to finalise the case relying upon the unilateral submission of the PIO.

Hence, it was ordered to issue fresh notice to the Complainant to appear before the State Commission on 11/02/09 to have his say, if any, in the case. It was specifically communicated to him that in case he failed to appear the case will be decided on merits in his absence.

5. During hearing of this case today Complainant Rajendra Kumar Mishra was found absent. He forfeited the opportunity to participate in this matter in view of the previous order dated 02/12/08 specifically indicating that in case he fails to appear the case will be decided on merits in his absence. The presence of the PIO was only to respond to delay as per the grievance expressed by the Complainant. Therefore, the absence of the PIO today was considered inconsequential, when the Complainant is absent.
6. Keeping in view the facts and circumstances of this case, the State Commission find no reason to linger this case. Complainant Rajendra Kumar Mishra seems to have no interest in this matter. Therefore, the case was disposed of and closed. As there is no delay on the part of the PIO, he is exonerated with no orders on penalty.

Pronounced in open proceedings:

Given under the hand and seal of the State Commission, this 11th day of February, 2009.


SEIC

11.2.09