

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

State Chief Information Commissioner, Orissa

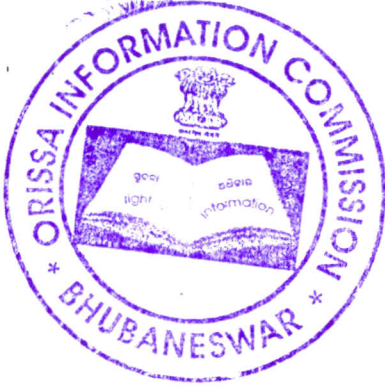
Date: 24<sup>th</sup> March, 2009

Complaint Case No.951/2007

Manorama Devi,  
D/o-Late Debaraj Dash  
At-Gholahandi  
PO-Gobindpurpatana,  
Via-Madhyakhanda,  
Nayagarh District.....Complainant

-Vrs-

Public Information Officer,  
Office of the District Inspector of Schools  
PO-Nayagarh  
Nayagarh District.....Opposite Party



Decision

1. Both the parties are absent on repeated call. The absence of the Complainant Manorama Devi cannot be condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules,2006 as she was directed by order dated 18.02.2009 to appear before the State Commission today and clarify whether she had received the document as per her request or not. The absence of the PIO is viewed seriously as he has neither sought leave of absence nor prayed for an adjournment. Perused the case record. This case arises not of the complaint petition dated 27.06.2007.
2. This case was earlier heard on 18.02.2009. It reveals from the record that one Narayan Mishra had initially sought for some documents under the RTI Act,2005 as per his form A application dated 11.01.2007 which was replied to within the maximum stipulated period by the PIO, office of the District Inspector of Schools, Nayagarh.

Subsequently, the Complainant Manorama Devi (wife of Narayan Mishra) had sought the same information in another application in form A dated 23.04.2007 which was a copy of the appointment letter of Bhabani Sankar Pradhan, adhoc teacher who, it seemed, had joined subsequent to Narayan Mishra, as a regular teacher in Bam UGME School in 1983. The PIO complied with the request of the Complainant vide letter no.2808 dated 25.05.07.

3. In view of the facts and circumstances of the case, the State Commission felt it appropriate to order on 18.02.2009 the appearance of Manorama Devi before the State Commission today and clarify whether she or her husband received the document as per their requirement or not. But she is absent today. It is presumed that she has got the required information and she has no further grievance.
4. As regards the delay of 2 days the PIO stated that since the same information had already been provided to the husband of the Complainant, they do not want to repeat the same at a cost to the Government. The State Commission, however, cautioned the PIO that the every application has its own merit and every citizen has a right to information. So he should respond to every request of every information seeker in an appropriate manner and within the specified timelines.
5. However, in view of the above factual scenario, the State Commission exonerated the PIO with no orders of penalty as no malafide was noticed. Inform the Complainant.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 24<sup>th</sup> day of March, 2009.

  
SCIC  
24.3.09