

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 24th March, 2009

Complaint Case No.689/2007



Ananta Moharana,  
At/PO: Haladiapadar,  
Berhampur - 760003,  
Ganjam District.....Complainant

- Vrs.-

1. Public Information Officer,  
Konisi Gram Panchayat,  
Rangailunda Block,  
Ganjam District
2. First Appellate Authority,  
Block Development Officer,  
Rangailunda Block,  
Ganjam District .....Opposite Parties

Decision

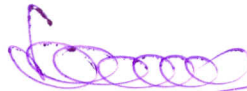
1. Complainant Ananta Moharana is absent on repeated calls. His absence cannot be condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as he was specifically directed by order dated 18.02.2009 and given the last chance to remain present for finalization of the matter by placing and explaining the grievance that information supplied to him were not of any use to him. Raghabendra Patnaik, VLW-cum- PIO, Konisi G.P, Rangeilunda Block of Ganjam district is present. Heard and perused the case record. This case arises out of the complaint petition dated 29.5.2007.
2. This case was heard earlier on 5 occasions viz. 13.05.2008 05.09.2008, 23.09.2008, 21.01.2009, 18.02.2009 but on most occasions the Complainant was absent. It reveals from the record that the Complainant had filed RTI application dated 13.11.2006 for issue of a photocopy of the Special resolution dated 6.02.2002 of Rangeilunda (Konisi) Gram Panchayat relating to appointment of a Secretary. But the said resolution register was not handed over to the present Secretary by the erstwhile Secretary namely T.Ch.Panda.

Moreover some of the records of the Panchayat had been stolen before filing of this application by the Complainant. In this regard FIR had also been lodged in the Golanthara Police Station. This fact was intimated to the Complainant on 10.12.06. It emerges from the record that the Complainant refused to accept the same as recorded by the peon Hemanta Kumar Sahu vide minutes dated 28.01.2007. Prima-facie it seems the response was within the stipulated period of 30 days. However, this matter could not be closed on the unilateral submission of the PIO and the BDO, Rangeilunda (Konisi) Block. Last opportunity, was afforded to the Complainant Ananta Moharana to appear before the State Commission today to ventilate his grievance failing which, he was informed, the case will be heard exparte on merits.

3. The PIO, during the hearing mentioned that till today the Police has not responded on the FIR lodged and the Complainant Ananta Moharana had withdrawn this complainant case as the information would not be of any assistance to him. This facility is also not available to a Complainant under the RTI Act, 2005. However, the State Commission appreciated the standpoint of by the PIO and noted that the response of the PIO was within the period of 30 days and there was no malafide intention in handling the case.
4. For meeting the ends of justice, the State Commission had afforded an opportunity as a last chance to the Complainant to take part in the hearing of the case to ascertain whether he has got the information or to have any say in the matter. Despite the order dated 18.2.2009 communicated to him by speedpost to be present today, he is absent. Presumably he has no further interest to pursue the matter. This is corroborated by his letter for withdrawal of the complaint.
5. In views of the above position and as there is no delay, the case is disposed of and closed with no orders of penalty .Inform the Complainant

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 24th March,2009

  
SCIC  
24-3-09