

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



Present: Shri Jagadananda, SIC

Date: 20th January, 2009

Complaint Case No. 525/2007

D. Kormaya Patra,
S/O-Late D.Dandasi Patra,
Goilundi Bada Sahi,
Berhampur-760004,
Ganjam District.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Superintending Engineer,
Central Minor Irrigation Circle,
B/2A, Bhoi Nagar,
Vani Vihar,
Bhubaneswar-751022.
2. First Appellate Authority,
Office of the Superintending Engineer,
Central Minor Irrigation Circle,
B/2A, Bhoi Nagar,
Vani Vihar,
Bhubaneswar-751022.....Opposite Parties

Decision

1. Complainant D.Kormaya Patra is absent. The same cannot be condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Rabi Sankar Dash, Assistant Section Engineer-cum-PIO, office of the Superintending Engineer, Central Minor Irrigation

Circle and Prasanta Kumar Parida, Senior Clerk, office of the Superintending Engineer, Central Minor Irrigation Circle, Bhubaneswar-751022 are present. Heard. Perused the case record. This case arises out of complaint petition dated 02/05/07.

2. The case was last heard on 16/09/08. The Complainant filed form A application on 16/01/07 before the PIO. In this regard the PIO states that available information had been furnished on 22/01/07. Not happy with the content of the information, the Complainant filed first appeal on 22/02/07. The First Appellate Authority directed the PIO to furnish the balance information. In compliance to the orders of the First Appellate Authority, information were collected from Minor Irrigation Division, Cuttack, Khurda, Bhubaneswar, Balasore and Baripada and furnished vide letter no-3969 dated 20/10/08.
3. During the last hearing the PIO was directed to send the information directly to the Complainant free of cost by Registered Post. So far as delay the PIO explained that these information are required to be collected from several divisions and took more time.
4. After hearing the submission the State Commission observed that the First Appellate Authority had not followed the due processes during the appeal process. He should have invited the Complainant and the PIO and provide reasonable opportunity for hearing alongwith a reasoned order. The same has not been followed. The First Appellate Authority is hereby cautioned to follow the due procedures while disposing the appeal cases in future. However, he has taken steps to provide the information.

The Complainant had received the information perhaps he has nothing to agitate further for which he did not like to remain present before this Commission.

5. The RTI application in question has been responded initially within the stipulated time and the delay caused for the balance information appears to be circumstantial. Accordingly, 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 20th day of January, 2009.



Jyadanti
20/1/09
SIC