

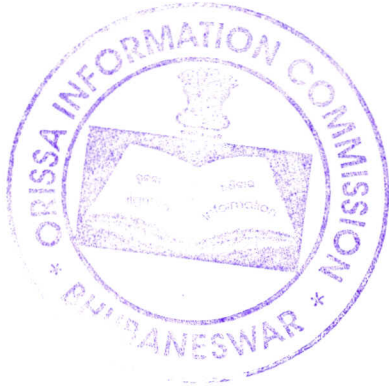
**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

and

Shri Jagadananda, SIC

Date: 5th February, 2009



Complaint Case No. 548/2007

Mohan Kumar Pansari,
Ward No. 16 (Sarthak Communication),
Near Old Sales Tax Gate,
Bargarh,
Bargarh District Complainant

-Vrs-

Public Information Officer,
Office of District Information and Public Relations,
Bargarh,
Bargarh District Opposite Party

Decision


1. Complainant Mohan Kumar Pansari is absent. The same cannot be condoned today under Rules 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as he was specifically noticed, vide orders dated 22/10/08, to remain present and state his grievance, if any. Dillip Chandra Samantaray PIO, office of the District Information and Public Relations Officer, Bargarh is present. Heard. Perused the case record. This case arises out of complaint petition dated 01/05/07 and heard earlier by the State Commission on 28/02/08 and 22/10/08.
2. It is found from the record that the Complainant had submitted form A application dated 08/03/07. Computing the maximum period of 30 days from the said date as provided under Section 7(1) of the RTI Act, 2005 (Act for short), the due date for providing information was 07/04/07.
3. The information sought related to the pro-active disclosure by the Public Authority as required under Section 4(1)(b) of the RTI Act, 2005 (Act for

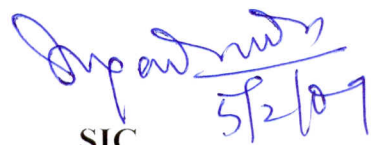
short). The PIO, instead of providing information on or before the due date, had sent an intimation in form B vide his letter no.252 dated 13/04/07 asking the Complainant to deposit Rs. 22/- towards the cost of providing information. This was held as wrong action by the State Commission. The PIO who had not provided the information on or before the due date was legally bound to provide the information free of cost to the Complainant under Section 7(6) of the Act.

4. PIO, Dillip Kumar Samantaray stated that the proactive disclosure had been hosted on their website and the same had been subsequently provided to the Complainant, free of cost.
5. As regards the delay, he pleaded that as his office work related to time bound media interaction, arranging different National day and anniversary celebrations the delay was circumstantial and he had no intention of delaying any information.
6. The Complainant was also accorded two opportunities to have his say, but he was absent despite notices and communication of order dated 22/10/08.
7. In view of the above facts and circumstances of the case, the PIO, Dillip Kumar Samantaray is exonerated as no malafide was noticed except that issue of form B intimation was wrong. He should be cautious in future. The case is, therefore, disposed of and closed. Inform the Complainant.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 5th day of February, 2009.



SCIC 5.2.09


SIC 5/2/09