

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

Date 2nd September, 2009

Complaint Case No. 1131/2007

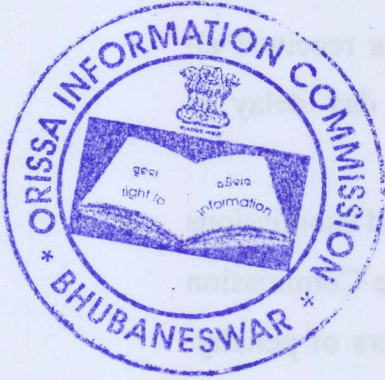
Bhimsen Sahu,
At-Manikpur,
PO-Bankoi-752066,
Via-Bolgarh,
Khurda district.....Complainant

-Vrs-

Public Information Officer,
Office of the Public Health Centre,
Bankoi,
Khuda district..... Opposite Party

Decision

1. Both the Complainant Bhimsen Sahu and Purna Chandra Pattanaik, PIO-cum-Medical Officer I/C, PHC, Bankoi, Khurda district are present. Heard them and perused the case record. This matter arises out of complaint petition dated 30/3/2007 under Section 18 of the RTI Act, 2005.
2. The Complainant had filed form A application dated 28.04.07 with the PIO, Public Health Centre, Bankoi seeking information on the management and functioning of the Bankoi PHC. Due to non-receipt of information on time, he preferred an appeal on 6/6/2007 before the First Appellate Authority. The records show that the information was furnished on 29/5/2007, which according to the Complainant was confusing and misleading. Obviously, due to delay in the postal delivery the letter of the PIO, though issued on 29.05.07 (31st day) had not reached the Complainant as on 06.06.2007.
3. No action, it seems, was taken on the first appeal. Therefore, the Chief District Medical Officer, Khurda was directed to conduct had an enquiry



in respect of the procedural lacuna and completeness of the information supplied and submit his report to the State Commission as per the orders dated 18/8/2009 of the State Commission. His report was received vide letter no.6701 dated 11.08.09. It was perused today and taken to record.

4. During the hearing today, the PIO submitted his written memorandum and stated that all required information had already been provided to the Complainant with due acknowledgement and exhibited corroboratory evidence in this regard. Complainant admitted that he has received all information. But he further alleged that there was one day delay in providing information.
5. On the basis of the enquiry report of the CDMO, Khurda and submissions of the PIO supported with corroboratory evidence, the State Commission decided to dispose of and close this case without any orders of penalty. The PIO is exonerated. The delay of one day was condoned as no malafide was noticed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 2nd day of September, 2009.



SCIC

2.9.09