

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Dated:-18th May,2009

Complaint Case No.1126/2007



Ajay Kumar Nayak,
Plot No.172, Road-1, Lane-6,
Jagannath Vihar,
Bhubaneswar-751003.....Complainant

-Vs-

Public Information Officer,
Women and Child Development Department,
Government of Orissa,
Secretariat,Bhubaneswar..... Opposite Party

Decision


1. Complainant Ajay Kumar Nayak is present. PIO, Women and Child Development Department, Government of Orissa, Secretariat, Bhubaneswar is absent inspite of notice dated 17.04.09. This case is being heard for the first time. This case arises out of complaint petition dated 28/07/2007. Heard and perused the case record.
2. The Complainant had filed form A application dated 08/06/07 seeking three items of information viz.
 - “(i) The PIO ought to furnish information in the shape of opinion as because the guideline (Annexure II) issued by the Commissioner-cum-Secretary, W and CD Department should be free from ambiguities as it involves larger Public interest of the society.
 - (ii) The information sought for by the applicant or any communication to that effect is expected from the level of Public Information Officer, concerned in a direct and specific manner either in positive or in negative or in any other shape.

- (iii) Had the authority been treating this as information, they could have followed sub-section (3) of section 7 of the Act and served information to the applicant”.
3. On a perusal of the documents on record it was seen that views the Department had been provided vide letter no.16755 dated 07.07.07 to the Complainant. This was within the maximum prescribed time line.
 4. On a query by the State Commission whether, the Complainant himself being a learned Advocate, considered the information sought as conforming to the definition of “information” under Section 2(f) of the RTI Act,2005, he decided not to pursue the matter.
 5. Additionally, during hearing of this case today the Complainant mentioned that the matter was now subjudice in the High Court of Orissa.
 6. Therefore, the case is closed and disposed of with no orders on penalty. Inform the PIO.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 18th day of May, 2009.




SCIC
18.5.09