

5. 30/01/09

Complaint Case No.468/2007

1. Complainant Himansu Ranjan Mohanty is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission(Appeal Procedure) Rules, 2006. M.Gourinath, PIO and Rabinarayan Rath, Section Officer, office of the Principal Chief Conservator of Forests, Orissa, Bhubaneswar are present. Heard. Perused the case record.
2. Prasanna Kumar Parida, ex-Chief Conservator of Forests (Administration) is absent who had been granted, in acceptance of his prayer, 4 months time because of his illness. It is unfortunate that he is absent today without seeking leave of absence or praying for time. The case was earlier heard on 13/02/08, 15/07/08 and 18/09/08. Suffice to mention that the information have been provided to the Complainant vide letter no.31206 dated 19/12/06 in respect of form A application dated 01/09/06.
3. The only issue remaining was delay at the level of Rabinarayan Rath, Section Officer. File was with him from 09/10/06 to 02/11/06 and again from 09/11/06 to 25/11/06, that is, cumulatively for 38 days. After deducting 3 days as per secretariat instructions he is responsible for the delay of 35 days. Though reasonable opportunity was given to him to explain that he had acted reasonably and diligently he failed to prove that he had discharged the same with diligence. Having held as above, penalty of Rs.8750/- @ Rs.250/- per day for 35 days was imposed on Rabinarayan Rath, Section Officer. He is directed to deposit the same amount within 30 days of receipt of this order in Treasury under Head "0070-other Administrative Services-60-other Services-118-Receipt

Under Right to Information Act, 2005-0014-Collection of Fees and Fines-02178-Fees and Fines under Right to Information Act, 2005", failing which the same will be recovered from his salary as per Rules 9 and 13 of the Orissa Right to Information Rules, 2005 by the Public Authority.

4. PCCF is required to ensure the presence of Prasanna Kumar Parida on the next date of hearing who would have to explain (i) the supervisory role played by him in this case, and (ii) the absence today without any prayer. Put up on 10/04/09 for further hearing and orders. Inform the Complainant.


SEIC
30.1.09

SIC 30/1/09



**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC
and
Shri Jagadananda, SIC**

Date: 10th April, 2009

Complaint Case No. 468 /2007

Himansu Ranjan Mohanty,
At/PO-Tartua-752055,
Via-Khurda.
Khurda district.....Complainant

-Vrs-

Public Information Officer,
Office of the Principal Chief Conservator of
Forests, Orissa,
Aranya Bhawan,
Chandrasekharpur,
Bhubaneswar-751023.....Opposite Party

Decision

1. Complainant Himansu Ranjan Mohanty is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules,2006. Prasanna Kumar Parida, ex-CCF (Administration) and Rabinarayan Rath, Section Office, both of the office of the Principal Chief Conservator of Forests, Bhubaneswar (PCCF for short) are absent. PIO had sought leave of absence vide letter no.5362 dated 07/04/09 on personal grounds. The same was accepted. Heard and perused the case record. This case arises out of

complaint petition dated 03/04/07 and heard by the State Commission earlier on 13/02/08, 15/07/08, 18/09/08 and 30/01/09.


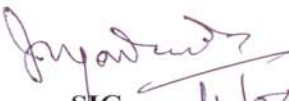
2. It reveals from the record that the Complainant had sought, in form A application dated 01/09/06 filed with the PIO, office of the PCCF, Orissa, photocopies of (i) gradation list of Village Forest Workers (VFW),(ii) copy of order/provision relating to promotion of VFWs to the next higher post, (iii) copy of order, wherein it has been stated to the effect that the VFWs will, in future, be redeployed exclusively to the new projects of the Forest Department, and (iv) copy of order/guideline prescribed for redeployment of VFWs to JBIC project.
 3. On 13/02/08, the PIO had submitted that he received the application on 02/09/06 and on the same day forwarded it to the Conservator of Forests (Admn.) and Chief Conservator of Forests (Admn.) both of the office of the PCCF, Orissa for providing information. Conservator of Forests (Admn.) sent part information to him vide letter no.300059 dated 06/12/06 which he, in turn, supplied to the Complainant vide letter no.31206 dated 19/12/06.
 4. Narendra Sethi,ex-Conservator of Forests submitted the chronological date chart indicating the movement of RTI application of the Complainant. It revealed therefrom that the RTI file was left unattended from 04/09/06 to 02/11/06 and again from 09/11/06 to 25/11/06 by the Dealing Assistant Rabinarayan Rath. Suffice it to mention that complete information had been provided to the Complainant vide letter no. 31206 dated 19/12/06.
-

5. The State Commission vide its order dated 30/01/09 had penalized Rabinarayan Rath for the delay of 35 days @ Rs.250/- per day amounting to Rs.8750/-. The presence of Prasanna Kumar Parida, Additional PCCF was procured to find out the administrative and supervisory lapses. Upon hearing him and on the basis of his submission the State Commission observed that the supervisory and oversight role played by senior officials like Prasanna Kumar Parida cannot be overlooked in fulfilling the timebound provisions enshrined in the RTI Act., 2005. The ex-CCF (Admn) is cautioned to be careful in future.
6. In view of the above situation and as penalty has been already imposed in a co-lateral case, this complaint case is disposed of and closed. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 10th day of April, 2009.




SCIC
10.4.09

SIC 10/4/09

777