

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date : 27<sup>th</sup> April,2009

Complaint Case No.1084/2007



Laxmidhar Panda,  
Orthopaedic Department,  
District Head Quarter Hoispital,  
Baripada,  
Mayurbhanj district .....Complainant

-Vrs.-

Public Information Officer,  
Office of the District Primary Education Programme,  
Baripada,  
Mayurbhanj district.....Opposite Party.

**Decision**

1. Complainant Laxmidhar Panda is present. Niranjana Nayak, PIO-cum-Integrated Education for Disabled and Media Co-ordinator, District Primary Education Programme/Sarba Sikhya Abhiyan, Mayurbhanj, Baripada is present Heard both of them and perused the case record. This matter arises out of complaint petition dated 19/07/07.
2. Complainant in form A application dated 14/06/07 sought information on three points viz (i) Guideline for payment made towards honorarium for Single Window Assessment Camps for Disabled in Mayurbhanj district from 01/10/05 to 17/12/05 (ii) Xerox copy of the A/R signed by the Technical Assistant staff for attending Single Window Assessment Camps for Disabled in Mayurbhanj district from 29/11/06 to 23/12/06 for which only one day honorarium paid and rest not paid yet (iii) Any

audit objection for the payment of honorarium for the said camp during 2005 for which honorarium has already been paid.

3. During hearing of this case today, the PIO mentioned that all correspondences have been made within the stipulated time frame under the RTI Act, 2005. He submitted that after receipt of form A application dated 14/06/07, he intimated the Complainant vide letter no.140 dated 28/06/07 ( sent by ordinary post) to deposit of Rs.26/- plus postage towards cost of providing information within a period of fifteen days from the date of receipt of the intimation failing which the application shall be rejected. According to him, despite the notice, the Complainant did not respond. Hence due to non-payment of the cost within the prescribed time limit under the Orissa RTI Rules, 2005, the PIO rejected his form A application dated 14/06/07 on 17/07/07 and the Complainant informed accordingly in form C. During hearing today the Complainant mentioned that he had not received the letter which was supposedly sent by the PIO and hence there was no opportunity to respond..
  
4. After going through the records including the Despatch Register of the Public Authority and hearing both the parties, the State Commission directed to the PIO to supply the information to the Complainant, free of cost. As per the direction of the State Commission the PIO handed over the information to the Complainant during the hearing itself. As regards point no. (iii) the PIO mentioned that as the audit report had still not been received by him supply of the same did not arise. This submission was accepted by the State Commission as the request on this point did not fall within the ambit of the definition of " Information" under Section 2 (f) of the RTI Act, 2005. In view of the above, the Complainant is at liberty to apply afresh after audit report is received in the Public Authority.

5. In view of the above facts and circumstances of this case, the case is closed and disposed of and no orders for penalty, as there was no delay in the initial reply.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 27<sup>th</sup> day of April, 2009.



  
SCIC  
27.4.09