

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Date: 24th April, 2009

Complaint Case No.763/2007



S.M. Patnaik,
Advocate,
Hendi Street,
Parlakhemundi.
Gajapati District.....Complainant

-Vrs-

Public Information Officer,
Office of the Inspector of Schools,
Ganjam Circle,
Berhampur.
Ganjam District.....Opposite Party

Decision

1. Complainant S.M. Patnaik is absent. As he had made an allegation, which prima-facie seemed serious, against the PIO that only blank white sheets of paper had been supplied to him, his presence today was considered essential to reach a finality in the matter. Accordingly, the State Commission vide orders dated 23.12.2008 had sought his presence for today. He was informed, by speedpost, in a notice dated 7.02.09. Even then he is absent, which cannot be condoned under Rules, 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Ramesh Chandra Sethy, PIO-cum-Administrative and Accounts Officer, office of the Inspector of Schools, Ganjam Circle, Berhampur is present. Heard. Perused the case record. This case arises out of complaint petition dated 9.06.2007 and heard by the State Commission earlier on 7.03.2008, 2.09.2008 and 23.12.2008.
2. It reveals from the record that in form A application dated 03.02.2007 the Complainant had sought 8 items of information covering all the aspects of the working of the Public Authority. It was received the same day.

The Complainant was intimated by the PIO vide letter no. 2209 dated 19.02.2007 to deposit Rs.5,000/- being the approximate cost of providing information. Thus it is clear that the intimation in form B had been sent to the Complainant in 15 days from the date of receipt of form A application. The Complainant sent the amount of Rs. 5000/- in the shape of a Bank Draft on 23.03.2007 which was encashed by the PIO on 25.03.2007. While despatching the information related documents/records/ files from the concerned Sections, the PIO ascertained from the Dealing Assistants of the Sections that an additional amount of Rs.6000/- is to be deposited by the Complainant for the huge quantity of information sought by him. However, looking to the urgency of the matter the PIO requested the Complainant over phone, through the District Inspector of Schools, Parlakhemundi, to deposit the additional amount of Rs.6000/- towards supply of complete information. He had also sent letter no. 8812 dated 25.05.2007 to the Complainant for deposit of the balance, failing which only partial information will be supplied to the Complainant covering the amount of Rs. 5000/-.

3. The Complainant did not respond to the above request. Finding no alternative the PIO supplied partial information consisting of 2290 pages to the Complainant by registered post on 09.05.2007. While sending part information, the PIO again requested the Complainant to deposit further sum of Rs. 6000/- for supply of balance information.
4. From the showcase memorandum dated 7.03.08 filed by the PIO, Ramesh Chandra Sethy, it is seen that the information sought for by the Complainant comprised almost 6000 pages out of which 2290 pages have been supplied to the Complainant. The balance information could not be supplied due to the non-deposit of the cost as discussed above.

5. In the complaint petition the Complainant has alleged that he received a registered parcel from the Postal Department weighing about 5.5 Kgs and on opening the same found only blank white papers therein. The PIO has taken the stand to have supplied partial information consisting of 2290 pages duly attested by him. On the contrary, the Complainant alleged to have received only blank sheets of white paper but did not appear to substantiate his allegation. Therefore, in the interest of justice, it was considered on 23.12.08 by the State Commission that the above factual controversy can only be resolved by simultaneous hearing of both the parties. Despite 3 notices sent from the State Commission, by speedpost, to the Complainant to remain present and to substantiate the allegation, he is absent. None of the notices have returned unserved by the postal authorities. The presumption is that the Complainant had received the said notices.
6. In view of the above position, the case is disposed of and closed, with no orders on penalty. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 24th day of April, 2009.




SCIC
24.4.09