

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 08th April, 2009

Complaint Case No.746/2007



Teja Raj Naik, F.R.
Range Forest Officer,
Kuliposh Range,
At/PO-Bonai,
Sundargarh District.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Divisional Forest Officer,
K.L. Division,
Khariar,
Sundargarh District.
2. First Appellate Authority,
Office of the Divisional Forest Officer,
K.L. Division,
Khariar,
Sundargarh District.....Opposite Parties

Decision

1. Complainant Tejraj Naik is present. Divisional Forest Officer, K.L. Division, Khariar vide Memo no. 1046 dated 24.3.09 has prayed for leave of absence of the PIO due to his engagement in activities pertaining to General Election, 2009. The same is accepted. Heard the Complainant and perused the case record.
2. Records reveal that the Complainant filed form A application dated 13/12/06 before the PIO, Divisional Forest Officer Kendu Leaf, Khariar, Nuapara District seeking information on 40 items regarding

departmental proceedings drawn up against him. The Complainant was intimated on 08/01/07 to deposit the cost of information which he did on 12.01.07 and received the information.

3. Not satisfied with the information, he filed first appeal before the First Appellate Authority on 31.01.07. The First Appellate Authority did not dispose of the appeal. The Complainant approached the State Commission by way of a Complaint petition dated 29.05.07.
4. The case was earlier heard on 01.07.08, 19.08.08 and lastly on 19.11.08. The Complainant during hearing on 19.08.08 alleged that he has not received complete information with regard to his form A application. He had only received information on 16 items against 40 items sought for in his RTI application. The State Commission had remanded the case to the First Appellate Authority to hear this afresh. The First Appellate Authority has furnished a copy of the order passed by him inspite of the fact that the Complainant didn't participate inspite of notices duly served by Registered Post. In his order dated 31/07/08 the First Appellate Authority had directed the PIO to furnish balance information. As it appears the information need is complete.
5. During hearing today, the Complainant alleged that he has got all information except three items. He further alleged although his information need was limited, he had been furnished more information on certain items in the first place, so he had to pay more toward the information fee. He also prayed the appropriate action as deemed proper be taken for the delay caused by the First Appellate Authority.

6. The claim of the Complainant that he has not received information is not valid as they do not fit into the information as defined in the Section 2(f) of the Act. They appear to be more queries and questions. Besides the Complainant did not attend the hearing by the First Appellate Authority, which was undertaken in pursuance of the order of the State Commission to clarify his information needs and discrepancies, if any, thereof.
7. The claim that he has been supplied with more information leading to the additional cost is not valid as the information sought were not specific. After going through all records and hearing the submission by the Complainant the State Commission is of the opinion that information need of the Complainant is complete.
8. The State Commission finds that the First Appellate Authority had not dealt within the time frame as per Section 19(6) of the Act. The First Appellate Authority is cautioned so as not to repeat this in future.
9. With the observation as supra, the case is disposed of and closed.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 08th day
of April, 2009




SIC