

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date : 30th April, 2009

Complaint Case No.307/2006



Amulya Kumar Martha,
At-Kapilprasad,
PO-Sundarapada,
PS-Airfield,
Bhubaneswar-751002Complainant

-Vrs.-

1. Public Information Officer,
Bhubaneswar Municipal Corporation,
Bhubaneswar.
2. First Appellate Authority,
Bhubaneswar Municipal Corporation,
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Amulya Kumar Martha is present. Lalatendu Mishra, First Appellate Authority, Prafulla Kumar Nayak, ex-Establishment Officer and Minakhi Devi, Dealing Assistant, (Medical Section) all of the office of Bhubaneswar Municipal Corporation, Bhubaneswar (BMC for short) are also present. Heard. Perused the case record. This case arises out of complaint petition dated 20/10/07 and heard by the State Commission earlier

on 08/02/07. 21/02/07, 12/04/07, 13/07/07, 31/08/08. 07/12/07, 18/04/08. 24/07/08 and 18/09/08.

2. It seen from the record that the Complainant filed form A application on 09/08/06 with the PIO, BMC requesting for information on 5 points regarding regularization of his services. The Complainant had received a letter on 28/09/06 from the PIO asking him to deposit Rs.42/- towards cost of the furnishing of information, although by that time the period of 30 days prescribed under Section 7 (1) of the RTI Act, 2005 (Act for short) had elapsed.
3. On 08/02/07, the Complainant complained that he had still not received any information. The State Commission upon hearing both the parties had directed the PIO to supply complete information to the Complainant, free of cost, by 15/02/07 and report compliance to the State Commission through the Registrar
4. On 21/02/07 the Complainant admitted that the PIO had complied with the direction dated 08/02/07 of the State Commission. On 07/12/07, the representative of the Complainant had stated that they had received all information except that relating to item no.4.
5. After hearing the parties during course of hearing, the State Commission had directed the PIO on 07/12/07 to provide the information on item no.4 to the Complainant, free of cost, and report compliance to the State Commission through the Registrar. The solitary point remaining then for adjudication was whether

information supplied was within the specified timeline as per Section 7 (1) of the Act.

6. On the same day the PIO had mentioned that in respect of form A application dated 09/08/06, the first response was sent to the Complainant on 28/09/06 to deposit Rs.42/- towards cost of providing information. The State Commission had held that there was no reason why the PIO had intimated the Complainant to deposit the cost after the maximum stipulated timeframe under Section 7 (1) of the Act was over. Therefore, the PIO was directed on that day to refund Rs.42/- to the Complainant.
7. The Complainant staked a notional compensation of Rupee 1/- for the harassment and detriment caused to him. The First Appellate Authority present today stated that in compliance to the orders of the State Commission all the required information had been supplied to the Complainant, free of cost, after the Complainant inspected all the notesheets and records, free of cost. However, he had further sought certain clarifications which could not be given as they were not competent to do so in respect of this old matter and, apart from that, it did not conform to the definition of "information" under Section 2 (f) of the RTI Act, 2005. Thereafter he had been supplied the information as per his requirement and further stated that in obedience to the orders of the State Commission dated 07/12/07 Rs.42/- was refunded to the Complainant which was confirmed by the latter.
8. The State Commission after hearing all the parties were of the opinion that the claim of compensation by the Complainant was

not in conformity with Section 19 (8) (b) of the Act. Hence, the same was rejected. Being convinced that there was no malafide intentions with any of the officials of the Public Authorities, the circumstantial delay was condoned.


9. With the above observations and decisions, the case is disposed of and closed, with no orders on penalty or compensation. Inform all concerned.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 30th day of April, 2009.




SCIC
30.4.09


SIC 30/4/09