

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



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

Date : 28th April, 2009

Complaint Case No.469/2008

Hemanta Kumar Panda,
At/PO-Jaipatna (Pradhanipada)-766018,
Kalahandi district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Executive Engineer,
Rural Works Division,
Dharamgarh,
Kalahandi district.
2. First Appellate Authority,
Office of the Executive Engineer,
Rural Works Division,
Dharamgarh,
Kalahandi district.....Opposite Parties

Decision

1. Complainant Hemanta Kumar Panda is absent on call. His absence cannot be condoned today under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 as he had been specifically noticed on 25.02.09 by speedpost to appear before the State Commission today for hearing without fail, as otherwise the case will be heard exparte on merits. This decision had been taken on 21.01.09 to provide an opportunity to the Complainant to be heard in person, before coming to a finality in the matter. Tushar Kanta Panda, PIO-cum- Assistant Engineer, and Rashmiranjan Mishra, First Appellate Authority -cum- Executive Engineer, both of the Rural Works Division, Dharamgarh, Kalahandi district are present. Heard and perused the case record. This case arises out of petition dated 31.03.2008.


2. This case was last heard on 21.01.2009. It is evident from the record as well as from the submissions of the opposite parties that Complainant Hemanta Kumar Panda had filed form A application dated 20.12.2007 before the PIO, office of the Executive Engineer, RW, Division, Dharamgarh, Kalahandi district requesting information in respect of Lead Statement, quarry maps and drawing of plan and longitudinal section for one kilometer of road shown on a single drawing sheet and full name and title of the JEs / AEs of package non OR 15-61, OR 15-62, OR-15-67, OR 15-68 and 15-72 for PMGSY Works. Phase VII (2007-08). As the Complainant did not receive any reply from the PIO within the stipulated time, he preferred an appeal before the First Appellate Authority in form D on 13.2.2008. Not also receiving any response from the First Appellate Authority, he preferred second appeal before the State Commission on 31.3.2008, which on scrutiny under the Orissa Information Commission (Appeal Procedure) Rules, 2006 was admitted as a complaint petition.
3. The PIO and the First Appellate Authority both stated that they had got readied all required information of the Complainant and informed him vide letter no.14 dated 5.01.2008 to deposit a sum of Rs.400/- towards the cost of the information. But till date the Complainant had not complied. The First Appellate Authority also submitted a set of the information as required by the Complainant before the State Commission. The same were perused and taken for record. They also submitted an attested photocopy of the under certificate of posting receipt, issued by the post office, to prove their averments.
4. After hearing the PIO and the First Appellate Authority on the last date of hearing and today the State Commission felt that the complaint case filed by the Complainant was devoid of any merit as the initial response to deposit the cost was within the maximum stipulated time and the Complainant did not appear today to rebut the same. It is presumed that he was not interested in depositing the required fees/cost in order to obtain the information from the PIO.

5. The State Commission were convinced, on the basis of documents on record, that there was no malafide intention to withhold any information from the Complainant and therefore, did not feel it necessary to prolong the case. Hence the case is disposed of and closed without any orders on penalty. The Complainant, in case he is still interested in the information, may apply afresh in proper manner. Inform him.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 28th day of April, 2009.




SCIC
28.4.09