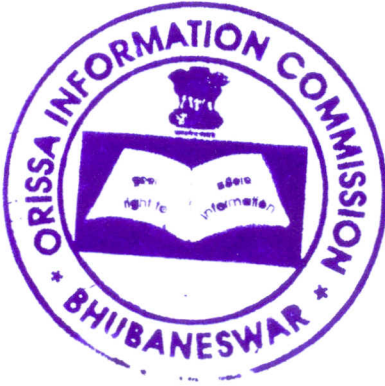


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



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

Date: 9th April, 2009

Complaint Case No. 938 /2007

Sachidananda Basanta,
At/PO-Sundarpada,
Bhubaneswar-751002.....Complainant

-Vrs-

Public Information Officer,
Office of the Bhubaneswar Municipal Corporation,
Bhubaneswar.....Opposite Party

Decision

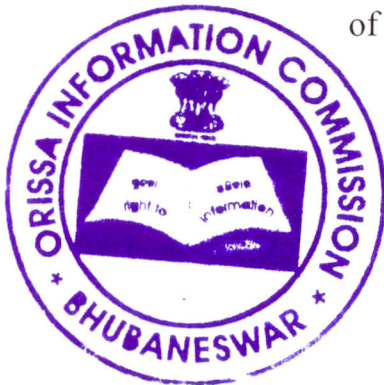
1. Complainant Sachidananda Basanta is present. Lalatendu Mishra, First Appellate Authority and Minakhi Devi, Dealing Assistant of Bhubaneswar Municipal Corporation, Bhubaneswar (BMC for short) are present. Sanjib Kumar Mishra, ex-PIO (currently ADM, Paradip) has sought leave of absence vide letter no.427 dated 03/04/09 as he is engaged in activities pertaining to General/State Elections, 2009 and the same was accepted. Heard. perused the case record. This case arises out of complaint petition dated 28/11/07 and heard by the State Commission earlier on 14/03/08.
2. The Complainant had sought information by filing form A application dated 26/10/07 with the PIO, BMC seeking certain clarifications with reference to the information supplied on 10/09/07 under R.T.I. Act.. He had desired to know whether the election code of conduct was in


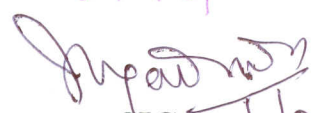
force with effect from 23/10/1990 to till 31/03/02 (both the dates inclusive), and whether the elections were conducted continuously over 12 years, such as to delay a decision in his promotion. He had further sought a detailed list (names, post, date of appointment, date of post created etc) of all temporary and/ or permanent appointments in B.M.C. from 22/10/90 to 31/03/02. The PIO mentioned that he supplied the information to the Complainant vide letter no.25414 dated 14/11/07. The latter alleged that the information was incomplete.

3. PIO vide letter no.16063 dated 09/08/08 had intimated the State Commission that there is no such information in the Election Section regarding enforcement of Election Code of conduct from 23/10/90 to 31/03/09. Obviously, the reply given earlier was not diligent enough. During hearing today, the First Appellate Authority mentioned that filling up of the post was delayed them due to some technical hitches in decision making. The relevant records were perused by the State Commission.
4. The State Commission accepted the submissions of the First Appellate Authority and decided to dispose of the case and close the same with no orders on penalty.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 9th day of April, 2009.




SCIC
09.4.09

SIC 9/4/09