

ORISSA INFORMATION COMMISSION

Complaint Case No.51/2005

Shri Kailash Jena.....Complainant

Vrs.

PIO, Directorate of Health Services, BBSR.....Opp. Party

DECISION

10/05/2006

1. Perused the averments and the copies of the annexed documents accompanying the complaint cases bearing No. 1 to 120 of 2005. In all the above cases, the common complaint is that the PIO in the Office of the Director, Health Services, Orissa, Bhubaneswar has refused them access to information.
2. As gathered from the documents referred to above, the requests for access to information have not been sent by the Complainants through post at the correct address of the PIO for which a peculiar situation has arisen depicting insufficient service of notice. Moreover from the postal endorsement it is found that Postman carrying the letters tendered them in the Health Department of Government of Orissa and when they refused to receive the same, he endorsed on the letters as "refused". Such an endorsement by the postman cannot be a legal substitute for actual delivery of the complaint petitions in face of the wrong address written by the complainants on the postal covers.
3. In the context of the above discussed factual scenario which is amply borne out from the records, it would not be appropriate to say that there exists a prima-facie case. Thus we are of the considered view that the requests of all the complainants can be equitably taken care of by giving a direction to the PIO(Establishment Officer, Medical) Office of the Director, Health Services, Orissa, Bhubaneswar to comply with the

(Contd.)

requests of the complainants , in accordance with the provisions of the R.T.I. Act,2005 and rules made thereunder within the prescribed timeframe from the date of receipt of this decision .

4. Inform the PIO accordingly, Copies of all the Applications sent by the complainants to the PIO U/s 6(1) of the RTI Act be handed over to the PIO in person to facilitate early disposal of the complaint cases.

5. With these limited observations all the above 120 complaint cases are disposed of by this common order.

Inform all concerned.

(Prof. Radhamohan)

SIC

(Shri D. N. Padhi)

Hon'ble SCIC