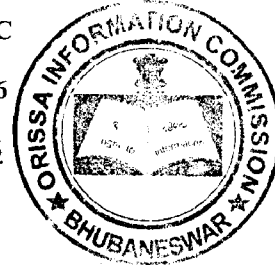


**EFORE THE ORRIISA INFORMATION COMMISSION  
BHUBANESWAR**

**Present:- :- Prof. Radhamohan, SIC**

**Dated:- 15<sup>th</sup> September, 2006**

**Complaint Case No.112 /2006**



Sri Sanjay Kumar Behera,  
At-Rampa,  
PO-Bari katak,  
Jajpur District.....Complainant

-Vrs-

1. Public Information Officer,  
Bari Block,  
Jajpur District.
2. 1<sup>st</sup> Appellate Authority,  
Cum-Block Development Officer,  
Bari,  
Jajpur District.....Opposite Parties

**Decision**

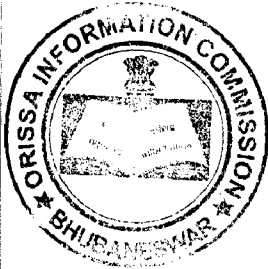
1. Complainant Sri Sanjay Kumar Behera is present. The 1<sup>st</sup> Appellate Authority and the PIO of Bari Block are present. Heard both sides in detail. It reveals from the case record as well as from the submissions of the parties that the Complainant filed his application u/S 6 of the RTI Act, 2005 before the APIO on 22/2/06. He alleges that as no information was supplied to him within the time limit prescribed u/S 7 of the Act, he preferred first appeal on 25/05/06.
2. On perusal of the application filed by the Complainant u/S 6 of the Act, it is found that the information sought for is available with two different Public Authorities. A part of the information is available in Bari Block whereas the other is in Panchayat. The information that are available with the Opposite Parties have already been received by the Complainant, as regards the information available with the Gram Panchayat the Complainant alleges he has not received it; he further alleged that the Executive Officer of the said Panchayat while leaving the job has not handed over the charge of those information to the present Executive Officer as a result of which the said information are

present Executive Officer as a result of which the said information are not available in the Panchayat. The 1st Appellate Authority gave a clarification that FIR has been lodged against the Ex-Secretary and the case is pending for investigation.

3. Now it is clear that the information that are available with the Panchayat are not in custody in the Panchayat office as because the Ex-Executive Officer for some reason or other is said ~~not~~ to be in custody thereof. Even if an attempt made by the complainant to get at those information it may not be possible for the Panchayat to comply his request.
4. In view of the above-admitted factual scenario none of the Opposite Parties can be faulted to have violated any of the provision to the Act. Thus there appears no merit in the complaint which is hereby dismissed.

**Pronounced**

Given under the hand and seal of the state Commission, this the 15<sup>th</sup>  
day of September, 2006.



*Mr. Mohan Kumar*  
SIC/15.9.06