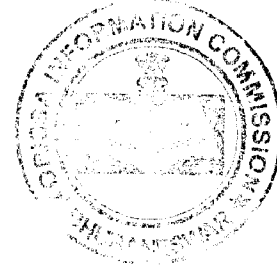


**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

Date 21<sup>st</sup> September, 2006

**Complaint Case No. 124 / 2006**




Sri Biswapriya Kanungo  
2122, Sabar Sahi Lane,  
Budheswari Colony,  
Bhubaneswar - 6.....Complainant

**-Vrs-**

Sri Jagadish Chandra Mohapatra  
Under Secretary,  
cum - Public information Officer,  
General Administration Department,  
Bhubaneswar.....Opposite Party

**Decision**

- 1 Complainant Sri Biswapriya Kanungo is present. Sri Jagadish Chandra Mohapatra, PIO-cum-Under Secretary to Govt. in G.A. Department is also present. Heard both sides in detail. Perused the records.
- 2 It reveals from the record and submissions of the parties that the Complainant has filed his application in form A under section 6 of the RTI Act, 2005 (Act for short) before the above PIO (OP) on 05/06/06. The Complainant had sought for an authenticated copy of the proceedings of meeting taken by Hon'ble Chief Minister on 03/06/06 regarding clearance of encroachments in Bhubaneswar Municipal area.
- 3 The Complainant submits that he has not received the information as yet from the PIO. In reply, the PIO submits to have endorsed the application of the Complainant to the Director of Estates of his Department who deals with

  
21.9.06

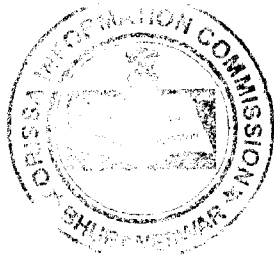
such matters. The file returned with endorsement that the information sought for by the Complainant is not available in G. A. Department. Accordingly, the PIO informed the Complainant on 16/06/06. Interestingly, while perusing the above intimation dated 16/06/06 sent by the PIO to the Complainant and the concerned file it was noticed that the letter was unsigned. The PIO (OP) explains the same to have occurred inadvertently. The State Commission warned the PIO to guard against recurrence of such omissions / lapses in future.

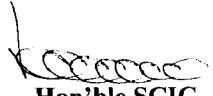
- 4 From the submissions of the parties it can reasonably be inferred by necessary implication that the G. A. Department had never initiated any meeting to be taken up by the Chief Minister. The Complainant before filing the application should have ascertained which Department has initiated the proposal and where exactly the proceedings of such a meeting is likely to be available. Believing broadly that removal of encroachment within Bhubaneswar Municipal area could be the subject matter of G. A. Department, he should not have approached the PIO of the said Department. It is not only PIO but the Officer superior to him viz the Director of Estates is also the same view that information is not available in the Department. Hence it would be appropriate for the Complainant to find out the appropriate Public Authority and submit a fresh application in form A under section 6 of the RTI Act, 2005, if he so desires, to get the information needed by him.

With the above observations in case of the Complainant is dismissed.

**Pronounced**

Given under the hand and seal of the State Commission, this 21<sup>st</sup> day of September, 2006.



  
**Hon'ble SCIC**  
21.9.06  
SIC 