

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: **Hon'ble Shri D.N. Padhi, S.C.I.C**
and
Prof. Radhamohan, S.I.C

Dated. 6thth July of 2006

Complainant Case No.29/2006

Sri Albish Minz,
S/o Late Runju Minz
At/Po-Khamarimunda,
G.P-Birkaldihi,
Block-Balisankara,
Sundargarh District.....Complainant

-Vrs-

1. The Public Information Officer
Kinjirikela LAMPS,
Sundargarh District
2. The Branch Manager,
Sundargarh District Cooperative Bank,
Sundargarh District.....Opposite Parties

Decision

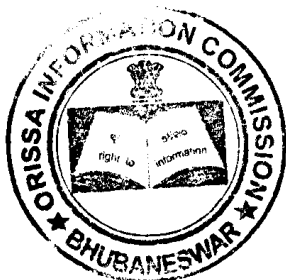
1. Complainant Sri Albish Minz is absent on repeated calls. His absence, however, will not adversely affect the hearing of the case in view of the legal latitude given to the Complainant u / R 9 (2) of the Orissa Information Commission (Appeal Procedure) Rule, 2006. The PIO (Opposite Party), Sri Chudamani Singh, Branch Manager, SDCC Bank, Sundargarh is present. Perused the complaint petition and the annexed documents. Heard the PIO (Opposite Party) in detail.
2. It is alleged by the Complainant that his application dated 26/04/2006 for information regarding his loan application filed in April, 2005 was not accepted by the PIO and no reason was indicated thereto.
3. The PIO (Opposite Party) submits that the loan application of individuals are processed at Kinjirikela LAMPS and then recommended to the SDCC Bank for

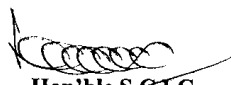

sanctioning the loan amount as per procedure and terms and conditions as applicable. In this case, no such proposal which relates to the Complainant has been received by the Opposite Party in the SDCC Bank. Hence there is on cause of action for them to consider the loan application.

4. The Complainant has wrongly alleged that the PIO has refused to accept his application. The burden of proof to establish the fact of refusal is on the Complainant. His allegation in the petition is also not supported by an affidavit. The fact of refusal by the Public Information Officer is not legally presumable. In the absence of any proof it would neither be just nor proper to reach any conclusion on the alleged refusal.
5. The PIO (Opposite Party) admits to be aware of the request of the Complainant. He assured the State Commission to provide the information in consultation with LAMPS considering the fact that the needed information is not available in his Bank. The State Commission, therefore, direct the PIO to furnish information to the Complainant in consultation with the Managing Director of the concerned LAMPS within 7 days, that is, by 13/07/2006. The PIO (Opposite Party) is further directed that soon after compliance of the above direction he will submit a compliance report to the Registrar of the State Commission. Thus the case of the Complainant is allowed.

Pronounced

Given under the hand and seal of the State Commission, this 6th day of July 2006.




Hon'ble S.C.I.C
6-7-06

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