

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Prof. Radhamohan, SIC

Dated 22nd August of 2006

Complaint Case No-79/2006



Smt Bharati Sahu,
Ranguni Street,
At/PO - Durbandha,
Via - Kanchuru,
Pin - 761101
Ganjam District.....Complainant

-Vrs-

- 1 Sri Rama Kanta Rath, OAS (I) (Sr. Branch)
Deputy Secretary to Govt.
cum- Public Information Officer
Department of Higher Education,
Govt. of Orissa,
Bhubaneswar.
- 2 Sri Dola Gobinda Tripathy
1st Appellate Authority,
Department of Higher Education,
Govt. of Orissa,
Bhubaneswar.....Opposite Parties

Decision

- 1 The Complainant is absent. The Public Information Officer (Opposite Party) No-1 of the Department of Higher Education is present. The 1st Appellate Authority of the said department Sri Dola Gobinda Tripathy is absent. However, he files a written showcause mentioning that he could know about the 1st Appeal for the first time on 14/07/06 when it was placed before him. Soon thereafter he was taken steps for supply of the information which were supplied to the Complainant vide Department letter No.25594 dated 18/07/06. According to him, no delay has been caused by him in attending the Right To Information dispute which he did with utmost care, caution and due diligence.
- 2 It is seen from the record that the Complainant filed the application u/S 6 of the Right to Information Act, 2005 (Act for short) before the PIO (OP) on 02/02/06. On 09/03/006 the PIO (OP) No-1 intimated the

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Complainant to deposit Rs.921/- towards cost for preparation of the needed information consisting of 177 pages and the postal charges. It appears from the receipt filed on record that the Complainant deposited the amount with the Department on 21/03/06. It is also found from the contents of the complaint petition (filed in the from the Second Appeal) that the information were provided to the Complainant on 22/03/06 which is the following day of deposit of cost by the Complainant in the Department. Thus there appears no delay on the part of the PIO in providing the required information. No tangible materials are also found from the record to justify filing of 1st Appeal before OP No-2 by the Complainant.

- 3 The fact that Complainant is found absent will leave no adverse impact on the merits of the case. It is found from the complaint petition and also admitted by the PIO (OP) No. - 1 that information consisting of only 74 pages have been provided to the Complainant, but the Department received the cost of 177 pages and the postal charges. Since admittedly 74 pages have been provided by the Department, they received the money in excess of the prescribed amount. It is high time for the PIO (OP) No. - 1 to refund the excess amount so collected to the Complainant which if not refunded be refunded forthwith under intimation to the State Commission. The excess amount will be sent to the Complainant by the Higher Education Department by Money Order the M. O. commission for which will be paid from the office contingency fund of the Department.
- 4 To summarize, the information needed by the Complainant have been supplied to him on 22/03/06. The only issue which could be found during scrutiny of the record is that excess amount has been received by the Department. The State Commission has already given a direction in the foregoing paragraph of this decision for immediate refund of the excess amount. For the reasons aforesaid the case of the Complainant is disposed of. The PIO is directed to furnish compliance of the direction given to him to the State Commission on or before 14/09/06 through its Registrar.

Pronounced

Given under the hand and seal of the State Commission, this the 22nd day of August, 2006.



Narayan Mohan

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