

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

Present: **Prof. Radhamohan, SIC**

Dated 13<sup>th</sup> September of 2006

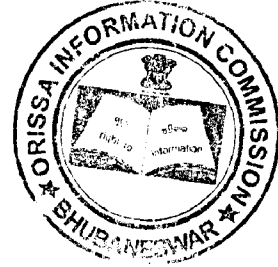
**Complaint Case No 95/2006**

Smt. Prativa Bhuyan

Badamahisiadi, Dalua,

Baliapal,

Balasore District.....Complainant



**-Vrs-**

- 1 Public Information Officer,  
Directorate of Higher Education,  
Heads of Department Building,  
Bhubaneswar.
- 2 Sri Biraja Prasanna Das,  
1<sup>st</sup> Appellate Authority,  
Directorate of Higher Education,  
Heads of Department Building,  
Bhubaneswar.....Opposite Parties

**Decision**

- 1 The Complainant with her son and the PIO, the 1<sup>st</sup> Appellate Authority of the Directorate of Higher Education are present. Heard both sides in detail.
- 2 It reveals from the record that the Complainant Smt. Prativa Bhuyan submitted an applicants u/S 6 (1) of the Right To Information Act, 2005 (Act for short) before the PIO on 30/03/06 seeking information about the cause of delay in the salary bill of her husband and if there

is any likelihood of the said bill being disposed of at an early date. She submits before the State Commission not to have received any information from the PIO within the stipulated time. The PIO submits in reply that on 01/06/06 the information needed by the Complainant has been provided to her free of cost. He contends that as because the husband of the Complainant has availed unauthorized leave for a period of about a month, the payment of his salary of that month is delayed pointed out by the Accountant that the leave has not been duly sanctioned.

- 3 Ample materials are available that the Complainant before approaching the State Commission had preferred 1<sup>st</sup> Appeal before the Director-in-charge of Higher Education, Orissa. The 1<sup>st</sup> Appellate Authority submits to have disposed of the Appeal within the time stipulating u/S 19 (6) of the Act.
  
- 4 It appears from the averments made in the case record u/S 6 of the Act that question have been put by the Complainant to be answered by the Public Authority. But such type of queries are included within the definition of "Information" u/S 2 (f) of the Act. If the information seeker has not employed appropriate words while filling up of the forms showing description / details of the information the entire masonry is likely to be mislead which ultimately will create hindrance in supplying the information. Though not strictly coming under the definition of Information the PIO abuse to have co-operative with the Complainant by sending the information which he had received from Deputy-Director (NGC- I). Perused the said correspondence. It contains all details as to why the pay bill of the Complainant's husband is delayed. The principal of Baliapal College has intimated the Directorate in spite of his letter and the Director's letter, Complainant's husband has not taken any steps for regularization of

the period of his unauthorized absence. However in the meantime Complainant's husband as expressed his desire before the principal to regularize the period of his unauthorized absence. By adjusting the same towards leave the 1<sup>st</sup> Appellate Authority also volunteers that he will personally talk to the Principal to take necessary steps to instigate the grievance of the Complainant's husband's case.

- 5 In view of the above peculiar facts and circumstances of the case where the supply of information has been delay due to the contributory negligence of the Complainant's husband the State Commission is of the view that there is no bonafied in the complaint which is hereby dismissed.
- 6 Last but not the least if the Complainant desires to get any further information from the Directorate to file a fresh application u/S 6 of the Act adhering to the codal norms.

**Pronounced**

Given under the hand and seal of the State Commission, this the 13<sup>th</sup> day of September, 2006.



*Newham*  
SIC