

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present : Shri Sunil Kumar Misra,
State Chief Information Commissioner**

Date 04th April, 2019

Second Appeal No. 2587 / 2015

Hemanta Panda,
At-Tikarapara,
PO- Balngir,
Dist.- Balangir.....Appellant

-Vrs-

1. Public Information Officer,
Parliamentary Affairs Department
& Office of the Chief Minister,
Government of Odisha,
Secretariat, Bhubaneswar.
2. First Appellate Authority,
Parliamentary Affairs Department
& Office of the Chief Minister,
Government of Odisha,
Secretariat, Bhubaneswar.....Respondents.

Decision

1. Appellant, Hemanta Panda, is not present. Nabakishore Sethi, PIO-cum-Under Secretary, Parliamentary Affairs(P.A.) Department & office of the Chief Minister, Odisha; Bishnuprasad Mishra, Deputy Secretary, office of the Chief Minister, Odisha and Rabindra Kumar Mohanty, First Appellate Authority-cum-Deputy Secretary of the P.A. Department & office of the Chief Minister, Odisha are present. The PIO and the First Appellate Authority have filed written submissions along with annexures.

2. Vide an application in Form-A dated 09.05.2015 filed with the PIO, Office of the Chief Minister, Odisha, the appellant had requested the PIO to provide him information regarding demands / requests made by the Hon'ble Chief Minister, Odisha to the Central Government for various developmental works / projects / institutions etc. in the State from the year 2001 till date. Vide a letter dated 12.06.2015, the PIO informed the appellant that he could contact all the Departments separately to get the required information. Along with this letter, the PIO also forwarded to the appellant a copy of the letter dated 08.06.2015 of the office of the Chief Minister.

3. Aggrieved, the appellant filed first appeal vide an appeal memo in Form-D dated 07.08.2015. The First Appellate Authority-cum-Additional Secretary posted the case for hearing; and, after considering the submission made by the appellant, he disposed of the appeal vide an order dated 08.09.2015. It was held by him that the PIO had rightly advised the appellant to contact different Departments. Holding as above, the First Appellate Authority declined to interfere with the action taken by the PIO.

4. The appellant followed up the first appeal by filing the subject second appeal vide an appeal memo in Form-E dated 24.10.2015. It was alleged by him that the First Appellate Authority in his order unduly stretched Section 6(3) of the RTI Act and dismissed the appeal.

5. This case was earlier heard on 4 occasions. During the initial hearings, the PIO and the First Appellate Authority of the Parliamentary Affairs Department and of the office of the Chief Minister, Odisha made their written submissions explaining, inter alia, the procedures followed in the office of the Chief Minister vis-a-vis letters received from the various Departments in the files. They also submitted that not only that the information / files sought by the appellant were not available in the Chief Minister's office, the same also related to a long period of 15 years involving all the Departments of the Government.

