

**ORISSA INFORMATION COMMISSION
BHUBANESWAR
Present : Shri Tarun Kanti Mishra,
State Chief Information Commissioner
Date 29th August, 2011
Complaint Case No.774/2009**

Nayan Mani Samal,
At/PO- Rajagarh,
Via- Sri Baladev Jew,
Kendrapara district, PIN-754212..... Complainant

-Vrs-

Public Information Officer,
Mahakalpara Panchayat Samiti,
At/PO.- Mahakalpara,
Kendrapara district Opposite Party

Decision

1. Complainant Nayan Mani Samal is present. Bijoy Kumar Biswal, PIO and ADBD, Mahakalpara Block, Kendrapara district is present. Heard and perused records.

2. Complainant had sought information in form-A application dated 28.03.2009 from the PIO, Mahakalpara Block on three items relating to the Flood Damage Road (FDR for short) works etc. The details of the query are on record. During the hearing on 22.07.2010, the complainant narrated the sequence of events. The same was perused and taken to record. He mentioned that he received an intimation on 17.04.2009 to deposit Rs..500/- (Rupees five hundred only) as the cost of information. He deposited the same on 07.05.2009 and received only incomplete information on 17.08.2009. There was a delay of more than 100 days in getting the information. During this period, Raj Kishore Mallick, WEO was the PIO. He was directed to explain as to why penalty under Section 20(1) shall not be imposed on him. He had sought for an adjournment on the previous date of hearing on account of his

son's medical treatment. Records would reveal that he has been avoiding to appear before the Commission. He was allowed the last adjournment on 27.05.2011 with an observation that there should not be any further adjournment. But he is absent today.

3. The Commission is of the opinion that Raj Kishore Mallick is guilty of not furnishing timely information. He is liable for penalty under Section 20(1) of the Act. The Commission has earlier imposed a penalty on him for violating the provisions of RTI Act in Complaint Case No.1810/2008. Thus, he is seen to have persistently failed to comply with the provisions of the Act and is, therefore, liable for penalty under Section 20(1) and 20(2) of the RTI Act. The Commission imposes a penalty of Rs.5,000/- (Rupees Five Thousand) on Raj Kishore Mallick under Section 20(1) of RTI Act, 2005. He is directed to deposit the penalty amount in Government Treasury under head "0070-Other Administrative Services-60-Other Services-118-Receipt under Right to Information Act, 2005-0014-Collection of fees and Fines-02178-Fees and Fines under Right to Information Act, 2005" within 30 days of receipt of this order, failing which the penalty amount shall be recovered from him by the respective Public Authority in 5 (five) equal, monthly, consecutive instalments from his salary beginning from the month of October, 2011 payable in November, 2011. If the Public Authority fails to recover the penalty amount, the same shall be recovered from him under rule 13 of Orissa Right to Information Rules, 2005. The concerned Public Authority will inform the Secretary, Orissa Information Commission the fact of such recovery.

4. In view of persistent failure of Raj Kishore Mallick to comply with the provisions of RTI Act, the Commission, under the provisions of Section 20(2) of the Act, directs the Secretary, ST & SC Development Department to proceed against him under OCS (CCA) Rules, 1962.

5. The complainant alleges that he has received incomplete information. The Commission perused the questionnaires attached to the Form "A" application. There are requests for information as well as requests seeking views and explanations. The PIO had furnished information in his letter No.1167, dated 17.04.2009 and subsequently in letter No.1762, dated 17.08.2009. However, the main issue on which the complainant is aggrieved is regarding poor quality of work and misappropriation. These issues are to be addressed by the appropriate administrative machinery. Collector, Kendrapara is directed to look into the allegations made by the complainant and to take appropriate administrative decision in the matter.

6. With these directions, the case is closed.

Pronounced in open proceedings

Given under the hand and seal of the Commission this day, the
29th August, 2011.

State Chief Information Commissioner
29.08.2011