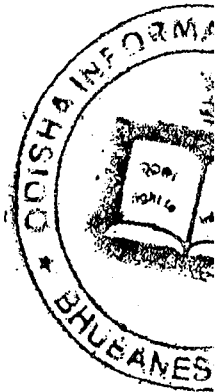


ODISHA INFORMATION COMMISSION
BHUBANESWAR

Present : Shri Tarun Kanti Mishra,
State Chief Information Commissioner

Date : 04th July 2013

Complaint Case No.2653/2012



Bishnu Prasad Panda,
HOD, Chemistry,
Government Women's College,
Sambalpur,
Dist.- Sambalpur,
PIN-768004

Complainant

-Vrs-

Public Information Officer,
Directorate of Higher Education,
Heads of Department Building,
Bhubaneswar.....

Opposite Paraty

Decision

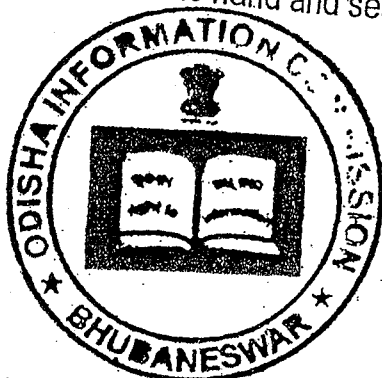
1. Complainant Bishnu Prasad Panda is present. Braja Sundar Mishra, PIO-cum-Establishment Officer, Directorate of Higher Education, Odisha, Bhubaneswar is also present.
2. The Complainant approached the Commission alleging that he had applied for information from the PIO seeking same information thrice. But the PIO is not interested to provide the information. The complainant filed Form-A application dated 31.07.2012 with the PIO, Directorate of Higher Education, Odisha, Bhubaneswar seeking information on ten counts regarding non-receiving of Rs.6654/- for his RCM, reasons for disparity on reimbursement of medical allowances, non-receiving of his increment in lieu of M.Phil and other related issues. On receiving the application, the PIO expressed his inability to furnish the information as the same does not come within the ambit of Section 2(f) of the RTI Act, 2005. Accordingly, the PIO intimated the complainant vide letter No.34496,

dated 25.08.2012. Being aggrieved, the complainant approached the Commission.

3. The Commission heard both the parties and perused the records. The Commission went through the contents of Form-A application dated 31.07.2012. In his Form-A application, the complainant wanted to know why he has not yet received Rs.6654/- for RCM, is there any non-official method for this, why there is no fixed medical allowance for all employees since some are getting and others are not, why he has not received one increment for M.Phil since he has received M.Phil certificate in January, 1981 before entering to OES and other related issues. The Commission observed that the requirement of the complainant does not come within the purview of RTI Act, 2005. Under the provisions of the Act, the PIO is obliged to furnish the information to an applicant in its existing form. ~~PIO cannot give any reason, clarification, comment and advice to an applicant.~~ ~~The PIO is also not obliged to respond to an applicant with regard to a question "why".~~ The Hon'ble Bombay High Court at Goa in WP No.419 of 2007 has observed that the definition of information can not include within its fold answers to the question 'why' which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. The Hon'ble High Court further held that justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. Hence, this appeal merits no consideration and accordingly is disposed of.

Pronounced in open proceedings

Given under the hand and seal of the Commission this day, the 4th July, 2013.



State Chief Information Commissioner

04.07.2013

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