

THE HIGH COURT OF ORISSA: CUTTACK

OHC-RULES-RTI-0149-2024/.....⁸⁴³⁰ Dated ²³⁻⁰⁵⁻²⁰²⁴.....

From

**The Superintendent,
Rules Section (RTI Cell)**

To

**Mrs. Dharitri Nandini Sharma,
O/o the Advocate Chamber, (Orissa High court)
Sector 7, Markat Nagar, Cuttack - 753014,
Email: advocateschamber@yahoo.com**

Sub: Your RTI First Appeal dated 08.04.2024.

I am directed to forward herewith a copy of Order dated 22.05.2024 passed by the Registrar (Judicial)-Cum-First Appellate Authority in your RTI First Appeal No.04/2024 dated 08.04.2024.

**By order of the Registrar (Judicial)
-Cum-First Appellate Authority**

J. Subarna
23/05/2024
Superintendent (1/c)

Encl: As above.

NOTES AND ORDER--(Contd.)**RTI FIRST APPEAL NO. 04/2014**

This RTI First Appeal received on 08.04.2024 has been preferred by Mrs. Dharitri Nandini Sharma, C1176, Sector-6, Markat Nagar, Cuttack being aggrieved with the reply of SPIO to her RTI application dated 23.06.2023. The appellant had sought the following information in her application:

"The Hon'ble Supreme Court of India vide its order Dt.20-04-2023 as per the attached order copy directed to the registrar general of all the High court of India to constitute a grievance redressal committee for advocate. so please provide us the details towards the same u/s. 8(3) of the RTI act, 2005 as to the compliance of the same."

The ADR(J&E)-cum-SPIO by a letter No. 11021 dated 18.07.2023 replied to the appellant as follows:

"On consideration of your RTI application bearing reference no. HCRTI_ONLINE53069 received on 23.06.2023, I am to say that the matter regarding constitution of Grievance Redressal Committee at High Court and at District Court level is under process."

On 27.03.2024 i.e. after lapse of about eight months, the appellant sent a petition u/s 7(3)(b) of the RTI Act, 2005 to the SPIO stating that the PIO had only given his opinion; that she had reason to believe that the committee may have been constituted and that she had waited for a year. On such grounds she prayed to review the information dated 18.07.2023 and requested to provide the information sought by her earlier.

The SPIO disposed of the petition dated 27.03.2024 and intimated the appellant vide letter no. 5456 dated 04.04.2024 as follows:-

"On consideration of your Email dated 25.03.2024 I am to say that the provision under section 7(3)(b) of the RTI Act, 2005 is applicable only when a decision is taken to provide the information on payment of any further fee representing the cost of providing the information in respect of an RTI application and intimation to the Applicant regarding such information concerning his or her right with

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respect to review the decision as to the amount of fees charged or the form of access provided.

But, in respect of your RTI application dated 23.06.2023, the available information had already been provided to you vide Court's letter no. 11021 dated 18.07.2023 and no intimation issued regarding any additional fees charged for providing the said information. Therefore the question of reviewing u/s 7(3)(b) of the RTI Act does not arise.

However, you may apply afresh under RTI Act, 2005 for further information."

Bearing aggrieved, the appellant has preferred this First Appeal on the following grounds:

"01. The PIO did not provide any information under a deep-rooted criminal conspiracy, intentionally, fraudulently, and for wrongful gain. The SPIO did not redress the RTI application under a deep-rooted criminal conspiracy. The PIO provided his own opinion instead of the information sought.

The PIO seems to be an incompetent, impotent, and powerless one and does not have any idea about the disposal of the RTI application and applicant which prima facie proves that some junior staff is appointed to redress the RTI application and the signature of the the PIO is also forged.

The PIO redresses the RTI application on Dt. 18-07-2023 but the order never communication to the Applicant.

The PIO is not reachable and approachable as the fake contact Nos. were provided on the RTI website and the same was not provided on the official website of the district administration If one can harass the practicing lawyer and the officer of the Hon'ble Orissa High Court then one can think about the plight of the common man.

The Applicant has reason to believe that no compliance of the RTI Act, 2005, Odisha Right to Public Service Act, 2005, etc., and the guidelines of the competent authorities ever comply with the PIO

02. The PIO failed to provide his and the details of the FAA as per the RTI Act. & the guidelines issued on 06-10-2018 by the Ministry of Personnel, PG & Pension, Department of Personnel Training, Govt. of India.

03. This PIO has a habit of sabotaging the RTI application if the information provided is used against the wrong practices and corruption going on in the office of the various police stations etc. in Odisha.

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04. The PIO has not complied with the provision of the RTI Act, 2005 for the last many years. He always finds the new fake grounds to dispose of the RTI application without providing any information the applicant has reason to believe that the information is malafidely denied, his reply is misleading and found extremely cryptic.

05. The PIOs, FAA, and the transparency officers are not appointed by your office and all and sundry are doing and acting for all and sundry. he always took exception to section 24 of the RTI Act 2005 to dispose of the RTI application without providing any information till the order of the Orissa HC in 2022 but now taking new fake ground for the same

06. the PIO cannot violate the rule of law, contempt of court, or commit the offense u/s 417, 419, 420, 166, 166A, 465, 468, 471, 217, 218, 219, 120B r/w 34 of IPC, 1860

07. The PIO did it intentionally to save the other corrupt officers who were engaged in operating a Paisa Vashooli and Extortion Racket.

09. The applicant has reason to believe that he never imparted any training towards the RTI Act, 2005 but still handled the machinery installed to comply with the RTI Act. or he has engaged some other incompetent officer for the job.

10. THE PIO did the same intentionally, fraudulently, dishonestly, and for wrongful gain and the deceitful means have caused injury to the applicant and many

11. The PIO is always found absent from duty and did not impart any training by anyone to handle the RTI Machinery if installed in the office.

12. The PIO in his reply letter No.604 Dt. 31-07-2023 provides his opinions instead of the information sought. the reply was cryptic also. he put his opinions to the information and refused to redress point No.5.

The PIO is an incompetent, impotent, and powerless public servant who is always absent from duty and acting as the collection agent for his political masters. he operates a paisa Vashooli racket. Large-scale corruption is there in the office but nothing is done to curve the same even if all have converted to extortion and torture centers.

All are engaged in harassment of the citizens and engaged in illegal collection of money and extortion from them. If a practicing advocate can be harassed by the PIO then one can ascertain the plight of common people.

13. the PIO considers himself above the law and acting under a deep-rooted criminal conspiracy and has not redressed the RTI application

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intentionally, dishonestly, fraudulently, and for wrongful gain and deceitful means has caused injury to the applicant.

14. *An incompetent and lost integrity person cannot be allowed to handle the RTI machinery.*

15. *The PIO is incompetent, impotent, and powerless as should be shown to door complying with the Madras high court judgment and for the interest of the public and lost integrity."*

In the appeal memo the appellant had requested to conduct hearing in audio-video mode. Accordingly she was informed to appear before the First Appellate Authority on 27.04.2024 at 11.00 AM and necessary link was provided to her vide letter no. 6324 dated 22.04.2024, but she did not appear. The appellant was again informed to appear on 01.05.2024 through video conference and the link was provided by letter No. 6630 dated 29.04.2024, but she did not appear.

The appellant sent emails taking exception to the fact that the correspondences for her appearance video conferencing were made by the SPIO. According to her, the SPIO should not have made the communication as his order was under challenge in the First Appeal. Therefore, the First Appellate Authority by letter No. 7414 dated 08.05.2024 informed the appellant to appear for hearing on 09.05.2024 at 11 A.M. through video conferencing and provided the link. However, the appellant chose not to appear for hearing of the First Appeal. In the given circumstances, the First Appeal could not be disposed of within 30 days.

From the appeal memo it appears that the appellant has made disparaging remarks against the SPIO which were uncalled for and unwarranted. Though the right to appeal is a statutory right, it does not authorise an appellant to cast aspersion or make personal comments on a public functionary while challenging an official act. Be that as it may, the grounds of appeal can be summarised as follows:

1. That the information dated 18.07.2023 was not communicated to the appellant by the SPIO.

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2. That the SPIO in his reply letter no. 604 dated 31.07.2023 gave his opinion instead of supplying the information sought and the reply was cryptic.
3. That the provisions of RTI Act were not complied with by the SPIO while dealing with the RTI application.

As already mentioned, the appellant by her email dated 27.03.2024 had sought review of the reply dated 18.07.2023 of the SPIO which indicates that she had received the reply dated 18.07.2023. As such, there is no substance in the appellant's contention that the reply dated 18.07.2023 was not communicated to her.

The SPIO by his letter dated 18.07.2023 replied to the appellant that the matter regarding constitution of Grievance Redressal Committee at High Court and at District Court level was under process. The said reply cannot be termed as 'an opinion' by the SPIO and rather the information can be said to have been based on the records.

The SPIO sent his reply dated 18.07.2023 well within 30 days of receipt of the RTI application. The appellant has contended that the details of the First Appellate Authority were not informed to her. Clause (b) of sub-section (3) of section 7 of the RTI Act prescribes that where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, State Public Information Officer shall send an intimation to the person making the request, giving information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms. In the present case, the SPIO had not required the appellant to pay any additional fee to provide the information and therefore, he was not under obligation to provide the details of the First Appellate Authority under clause (b) of sub-section (3) of section 7.

Further, sub-section (8) of section 7 of the RTI Act prescribes that in the event of rejection of an application, the SPIO is required to

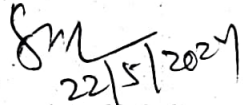
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provide the details of the First Appellate Authority. The SPIO in the present case had not rejected or refused to provide the information and therefore, he was not bound to provide the details of the First Appellate Authority.

The information uploaded on the website of the Hon'ble High Court of Orissa under section 4(1)(b) of the RTI Act contains details of the First Appellate Authority which is in public domain. However, pursuant to the order dated 24.08.2023 of the State Chief Information Commissioner, the practice of providing details of the First Appellate Authority in every reply under RTI Act has already begun.

For the reasons discussed above, the challenge to the reply dated 18.07.2023 of the SPIO is not sustainable. Accordingly, the First Appeal being devoid of merit stands dismissed.

A copy of the order be provided to the appellant.


22/5/2024
**Registrar (Judicial)-cum-
First Appellate Authority**