

**BEFORE THE HON'BLE STATE INFORMATION COMMISSION**

**AT : BHUBANESWAR, ODISHA**

COMPLAINT NO. .... OF 2024

**IN THE MATTER OF ;**

**Advocate T.K.Dwibedi**

( Advocate Orissa high Court )

O/o. The Advocates Chamber

C-1176, Sector-6, Markat Nagar,Cuttack-753014, Odisha

☎ : 9348105872

✉ : [advocatetkdwibedi@yahoo.com](mailto:advocatetkdwibedi@yahoo.com)

Complainant

VS

**01. Public Information Officer**

**02. The APIO-cum-Inspector DCRB**

**03. The Transparency Officer**

O/o, The Superintendent of Police

Gajapati – 765001, Odisha

☎ : 06815-224851, Mobile : 94389-16700 ✉ : [spgjp.odpol.nic.in](mailto:spgjp.odpol.nic.in)

**04.The Secretary**

O/o, the Odisha Information Commission

B-1 Block, Toshali Plaza, Satya Nagar

Bhubaneswar – 751007, Odisha

Ph . : 0674- 2571401 ✉ : [odishasoochana@nic.in](mailto:odishasoochana@nic.in)

Opposition Parties

**LIST OF THE LITIGATING PARTIES**

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Opp. Party(s)

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Opp. Party(s)

**COMPLAINT U/S 18 OF THE RIGHT TO INFORMATION ACT, 2005**

**RESPECTIFULLY SHOWETH :**

**01.INTRODUCTION :-**

That, the Complainant is the practicing lawyer and associated with the Advocates Chamber in Cuttack and the opposition party(s) are the officers of public servants of Government of Odisha who failed miserably to comply with the provision of the law, rule framed by the competent authority and the guidelines of the apex courts.

## **02.FACTS AND CIRCUNSTANCES**

01. That, The complainant is an associate of the practicing advocate of Hon'ble Odisha high Court and his advocates chamber, and Human Right Activist, Whistleblower and towards the professional duty of his esteemed client he filed an RTI application on Dt. 07-11-2023 ( by paying Rs.10/- ( Rs. Ten Only ) as the Application fee in advance and promised to pay the cost of the information provided to him by the PIO. The Application was transferred to the PIO of GAD-PG As per the rule of law crafted in section 6(3)(ii) of the Right To Information Act, 2005 (hereinafter the statute for short ) but the PIO sublet his work to the APIO who disposed the RTI application of 15-11-2023 impersonating as the PIO and the PIO is found unreachable and unapproachable for the people of Odisha

02. That, the PIO and the Opp. Party No.2 & 3 did not provided the information and transfer the RTI application u/s 6(3) of the statute to where the information is available, violating rule of law, committing serious misconduct, contempt the court, the offence under IPC,1860 and acted like a post master and unbecoming of a public servant having lost all his integrity thus committing the act serious misconduct, abuse of power and prima facie proof of corruption.

03. That, One RTI application was filed to get information about the corruption prevailing in the office of the Superintendent of Police, Rayagada as the SP and other officers are engaged in the running of the Paisa Vashooli Racket and not complying to the rule of law, direction of the competent authority and the guidelines of the apex court given in the case of State of Gujarat Vs Kishan Bhai, 2014 as to the constitution of the District Acquittal Review Committee

04. That, The PIO was found always absent from the duty and engaged a peon type staff to redress the RTI application as the contact details of the PIO, Transparency officer, 1<sup>st</sup> Appellate authorities are not provided to the applicant as per the provision of the section 7(8) of the RTI act 2005., The PIO failed to provide the contact details of himself as well as of the 1<sup>st</sup> appellate authority thus found to be not reachable and approachable as he has sublet his work to a peon typed junior officer & engaged in the collection of illegal money from Ganja Peddlers & others.

05. That, the PIO created a false document with the help of the other corrupt officers implanted in the office of the PIO and just forwarded to the applicant which is nothing but the opinion of the APIO who called after filling of the complaint petition u/s 35 of the CPA-2019 and confessed that the RTI application was prepared by him and not by the PIO.

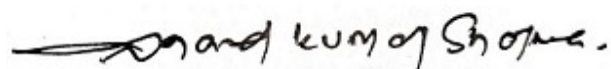
06. That, the complainant has reason to believe that no PIO, Transparency officer, FAA ever appointed in the office of the PIO to handle the RTI machinery installed in the office and they have not done any compliance of the other provision of the RTI act, 2005. They do not have any official website as mandated in the section 4(1)(b) of the RTI act, 2005.

07. That, The PIO has appointed any other junior officers to dispose of the RTI application. They failed to provide the information intentionally and acted in a deep-rooted criminal conspiracy. The PIO took more than 317 days to respond, which prima facie proves that he is engaged in some other illegal activities such as collecting illegal money from all the possible sources, and have appointed a peon type person to redress the RTI application. Both the PIOs acted like a post masters to dispose the RTI application and the Transparency officer was sleeping like KUMBHAKARNA.

08. That, The PIO is always found absent from duty and considers himself above the law, He is totally incompetent and does not have any knowledge as to the provision of the RTI act, 2005 but handling the machinery installed in the office. The PIO concealed his name and contact details. the same is done to save himself and other erring officers of the department. The PIO concealed his name and contact details and did not provide the details of the FAA. The PIO appointed some other junior and incompetent officer to handle the RTI machinery installed.

09. That, the acts and omissions of are serious misconducts, abuse of power, illegal acts, and corruption prevailing in the PS. the act is also violated the provisions 5Ts' initiative of the state govt. and the violation of the provision of the RTI act, 2005, the PIO also violated the provisions of the Odisha Right to public service act, 2012. The PIO has committed the offence u/s 420, 419, 384, 166, 166A, 167, 465, 468, 471, 217, 218, 219, 506, 120B r/w 34 of IPC, 1860. The transparency officer is also involved in the misconducts, abuse of power and violation of the rule of law and the guidelines in collusion with the PIO.

10, That, the complainant has reason to believe that the PIO has not submitted any report to the State Information commission u/s 25 of the RTI act, 2005, the PIO is totally incompetent, impotent and powerless thus failed miserably to achieve the object of the stature which mandates for the transparency and accountability and the same has been done under a deep-rooted criminal conspiracy, intentionally, on the instigation of the senior police officer, dishonestly, fraudulently and for the wrongful gain and to some other from being booked and prosecuted. The Opp. party No. 4 failed to comply with the provision of law, direction of the competent authority and guidelines of the apex court given in the case of KISHAN CHAND JAIN VS UOI, 2021 WP ( CIVIL) 990 OF 2021.



Place : Cuttack

Dated : 26-09-2024

Complainant th. Auth representative

**Advocate A.K.Sharma**

**C/o. Advocates Chamber**

C-1176, Sector-6, Markat Nagar

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## **Ground for the Complaint**

- a) That is because to provide the information is the rule and not provide the same is exception but the PIOs refused to provide the same and mislead the applicant.
- b) That is because the information cannot be reused if it is about the violation of the human and fundamental right & corruption as crafted in section 24 of the status.
- c) That, is because the disclosure of the information will expose their wrong doings where every officers are engaged in misconducts, abuse of power, illegal collection of money and customers harassment thus making the commission unapproachable.
- d) That is because, the office of the PIO is in the wrong people who are running the same for mere formalities and for their own wrongful gain and the deceitful means of these corrupt officer caused repeal of the old statute as the center government has to introduced the new law of 2019.
- e) That is because, these information are vital for the survival of the democracy and are in public interest and after getting the information complaint will be filed before the competent authorities and before the Hon'ble Odisha High Court to seek the order to run the office of the PIO in a democratic ways where the commissions should be reachable for common people and should be corruption free.
- f) That, is because the complainant advocate has paid the fee for the application and promise to pay the fee for the information and has legal as well as fundamental right to seek these information to use it in his daily practices and to provide remedies to his clients.
- g) That, is because the officers of the PIO is running without any PIO, Administrative Officer, Transparency officer and others officers required to handle the RTI machinery installed in the office and all are engaged in operating a paisa Vashooli racket and engaged in collection of illegal money from all the quarters so the PIO refused to provide the information in consideration of the fee taken in advance.

## **PRAYERS :-**

01. It is therefore, most respectfully prayed that the Hon'ble Commission many kindly be admit this complaint u/s 18 of the statute, inquire the same in the interest of public and for the protection of the fundamental right
02. It is therefore, most respectfully prayed that the Hon'ble Commission many kindly be please to award to the complainant, a compensation of Rs.2.00 Crore in total ( Rs.Two Crore Only) against the opposition party(s).
03. It is therefore direct the opposition party(s) to install the grievance redressal mechanism to redress the complaint petitions of the aggrieved people.
04. It is therefore, the commission should direct the opposition party(s) to direct the Opp. Party to constitute the official website and public all the information into I tin compliance of section-4(1)(b) of the Statute.
05. It is therefore, the commission should direct the opposition party(s) to direct the appointment, publishing of the address and contact details of the PIO, Transparency officer and 1<sup>st</sup> appellate authority.
06. It is therefore, the commission should direct the competent authority to monitor the conduct of the Opp. Party should communicate the name, designation and contact details of the PIO, Transparency officer and the 1st appellate authority in all communication
07. It is therefore, the commission should direct departmental inquiry against the Opp. Party to send them for the refreshment training of the statute.
08. It is therefore, the commission should direct the Opp. Party to donate their 6 months' salary to the CM relief fund.
09. It is therefore, the commission should direct the Opp. Party to redress all pending applications afresh.
10. It, is therefor, the commission may grant other relief as it think fit to meet the complete end of justice.



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**Documents Relied upon :**

<b><u>Sl.No.</u></b>	<b><u>Particular</u></b>	<b><u>Annexure</u></b>
01	A copy of the RTI application	1
02	A copy of the fee paid	2
03	A copy of the Transferred letter	3
04	A copy of the reply from the PIO	4
05	A copy of the evidence as to none compliance of 4-1-b	5
06	Any other document should allow to prove my case. If required	

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**CHRONOLOGY OF THE EVENTS :-**

<b><u>Sl.No.</u></b>	<b><u>Particular</u></b>	<b><u>Date</u></b>
01	RTI application filed	07-11-2023
02	RTI Application transferred the PIO	07-11-2023
03	RTI disposed by the PIO	15-11-2023
04	RTI reply received	16-11-2024
05	1 <sup>st</sup> appeal is filed copy	26-09-2024