

O.K.A. PATHMASIRI .VS. MINISTRY OF HEALTH

RTIC Appeal (In Person hearing) 1179/2019- Order adopted as part of the formal meeting of the Commission on 02.09.2019.

Order under Section 32(1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa.

Dr. Selvy Thiruchrandran

Justice Rohini Walgama

Director General: Mr. D.G.M.V Hapuarachchi

Appellant: O.K.A. Pathamasiri

Notice issued to: Designated Officer, Ministry of Health

Appearance/ Represented by:

Appellant: O.K.A. Pathmasiri- present

Public Authority Dr. T.M.M.H. Tennakoon

RTI Request filed on:	04.07.2018
IO Responded on:	no response
First appeal to DO filed on:	25.09.2018
DO Responded on:	no response

Brief factual background:

The appellant by his request dated on the above date made to the Information officer of the Public Authority had requested to provide the information as stated below;

To examine the file No. 4/305/11 of Owitagala Kankanamlage Asha Maheshila Madushani- Office assistant who is the daughter of the appellant.

As there was no favourable response from the IO the appellant lodged an appeal with the Designated Officer. As the Designated Officer did not respond to the above request, the appellant preferred an appeal to the Commission. The Commission on receipt of the appeal noticed both parties to appear before the Commission on 02.09.2019 for hearing of the appeal.

Matters arising during the hearing of the appeal:

When the appeal was taken up for hearing both parties were present. It was submitted by the appellant that he has requested the perusal of the personal file of his daughter and report of the Government analyst as she died of suspicious circumstances. But it was submitted by the PA that as per post mortem report the cause of death identified was due to a tumour in the brain. And as such it did not warrant an examination by the Government Analyst, hence there is no report could be provided to the appellant. But the PA was amenable to allow the appellant to peruse the afore said file and provide the report of the inquiry to the alleged negligence on the part of the hospital regarding the death of the daughter of the appellant.

Order:

As the appellant was satisfied with the suggestion made by the PA, the Commission made order directing the Public Authority to provide the inquiry report to the Appellant. Thus the Commission moved to conclude the appeal.

Appeal is concluded.

Order is hereby conveyed to both parties in terms of Rules 27(1) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017.)