

The Right to Information Commission

J. Yoosuf
Ayurvedic Research Hospital,
Arasadithottam,
Ninthavur

-Appellant-

RTIC App/No : 596/2021

Vs.

Regional Director of Health
Services – Kalmunai

-Public Authority-

Before :

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance :

The Appellant participated via T.P No. 071 6095255

The Public Authority represented by Dr. Wajith, Deputy RDHS
(Information Officer).

Written Submission

The Appellant on : 15.02.2022

The Public Authority on : 14.10.2020 & 31.12.2021

Date of Hearing : 03.01.2022, 24.01.2022, 24.02.2022, 06.04.2022, 08.06.2022 &
25.07.2022

Decided on : 25.07.2022

Decision:

Brief Factual Background:

The Appellant by the request dated 29.01.2020, requested the below information,

“In terms of my complaint to the Provincial Commissioner Department of Indigenous Medicine, Trincomalee, on travelling claim issue, the Commissioner has put an instruction to Regional Director of Health Services (RDHS), Kalmunai by letter bearing No. EP/PDIM/RTI/01 dated 07.11.2018. The instruction has not been carried out up to now. I request a certified document stating the reason why RDHS could not meet the instruction yet.”

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant appealed to the Designated Officer dated 19.02.2021. The Designated Officer too failed to respond within the time period stipulated in the Act the Appellant preferred an appeal to the Commission dated 04.03.2020.

However, the Information Officer responded on the same date in which the Appeal was preferred to the Commission, stating that, the travelling allowance claim dated 03.01.2018 was returned to the information requestor since there were some deficiencies in the documents submitted by the said information requestor.

In response to the notice issued by the Commission, the Public Authority filed its written submission dated 14.10.2020 stating that the Appellant claimed the travelling allowance without three important documents and the Appellant was informed by letter No. RDHS/KAL/F-Ayur-Gen dated 08.01.2018 to submit the letter of invitation to the said journey, duty leave permission and attendance certificate to provide his requested allowance. However, up to date the Appellant has not submitted these documents and the PA is unable to fulfill the Appellant’s claim. The same response was re-sent by the Public Authority to the Commission dated 31.12.2021.

The Appellant has sent a letter dated 15.02.2022 stating that he had already submitted the all required original documents to the In-charge Officer of the hospital by hand and it was submitted to the specific Authority by the said Officer. Immediate after receiving them it might be registered in the relevant registry according to the usual procedure. Since, he has already submitted the originals, unable to re-submit them.

Consideration:

We observed that the Public Authority has provided the information requested by the Appellant by letter dated 31.12.2021. We carefully considered the said letter of the Public Authority. It appears that the Public Authority has requested to submit several documents in order to carry out the instructions given to them by Regional Director of Health Services. The Public Authority complains that the Appellant has not complied with the said request of the Public Authority. When inquired, the Appellant inform the Commission that he submitted the said document to the Public Authority to by hand but he has no evidence to confirm the said position.

We carefully considered the submissions of the parties. We are of the view that the Public Authority has provided the information requested by the Appellant. Therefore, we decide to conclude this appeal.

The Director-General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.