

The Right to Information Commission

S.Sivalingam,
49, 1st Cross Street,
Jaffna

-Appellant-

RTIC App/No : 630/2022 Vs.

Provincial Department of
Education-Northern Province,
Chemmany Road, Nallur,
Jaffna

-Public Authority-

Before : 1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2.Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : The Appellant participated via Zoom Technology.
The Public Authority participated via Zoom Technology. Mr. Udayakumar, Provincial Director of Education

Written Submission : Appellant – Not submitted
Public Authority - Not submitted

Date of Hearing : 09.06.2022

Decided on : 09.06.2022

Decision:

Brief Factual Background:

The Appellant by the request dated 22.10.2021, requested the below information,

“To examine and to take copies of the necessary documents related to the requested and concluded procurement document NP/20/15/PROC/2021/04 by you.”

The Information Officer responded dated 02.12.2021 stating follow;

“I hereby inform you that, you can examine the requested procurement document NP/20/15/PROC/2021/04 on Monday 06.12.2021 during the office hour. You may contact the Designated Officer to appeal in this regard.”

Dissatisfied with response of the Information Officer, the Appellant lodged an appeal with the Designated Officer dated 16.11.2021. The Designated Officer responded dated 10.01.2022 stating follow;

*" Detail 1- The information officer has rejected the complaint which is alleging kept waiting for two hours.
Detail 2, 4- I hereby inform you that according to the 19th paragraph of Condition of Contract regarding the procurement document, procurement document can not be provided for 3rd party. Therefore, unable to provide you.
Detail 3- As you were permitted to examine the procurement documents, not providing in the RTI 05 is correct."*

Dissatisfied with response of the Designated Officer, the Appellant preferred an Appeal to the Commission dated 10.03.2022.

Consideration:

The Appellant admitted that as requested by his information request he was given an opportunity to examine the procurement document NP/20/15/PROC/2021/4. The Appellant further submitted that as requested the Public Authority did not provide the necessary documents pertaining to his request.

At the inquiry the Public Authority informed that the following documents, namely;

- Suppliers bid documents
- Evaluation status sheets
- Committee decision
- Approved TEC evaluation report
- Procurement report, has been provided to the Appellant. The Appellant stated

that he did not receive the said documentation sent by the Public Authority. When the Public Authority was questioned about the said position of the Appellant, the Public Authority now informs the Commission that according to their file the said documentation has been not sent to the Appellant. Therefore, we direct the Public Authority to provide the documentation to the Appellant before 08.07.2022 with copies to the Commission.

Accordingly, this appeal is concluded.

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

Appeal concluded.