

**M.I.S. Aboothaheer Vs. Provincial Director of Health Service, Eastern Province**

RTIC Appeal RTIC 276/2018- Order adopted subsequent to the hearing/ consideration at a part of the formal meeting of the Commission on 01.10.2018

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. SelvyThiruchandran  
Justice Rohini Walgama

**Director-General:** Mr. Piyathissa Ranasinghe

**Appellant:** M.I.S. Aboothaheer

**Public Authority:** Provincial Director of Health Service, Eastern Province

**Appearance/ Represented by:**

Appellant - M.I.S. Aboothaheer

PA - M.S. Hayathu Mohamed, Senior PHI Provincial

<b>RTI Request filed on</b>	05.06.2017
<b>IO responded on</b>	04.08.2017
<b>First Appeal to DO filed on</b>	15.10.2017
<b>DO responded on</b>	27.10.2017
<b>Appeal to RTIC filed on</b>	20.11.2017

**Brief Factual Background:**

The Appellant requested the following information by the letter dated 05.06.2017:

1. Vehicle number and the name of the driver with whom the MOH office staff went to inspect the mosque.
2. Name and designation of the officers including the two ladies and information officer (MOH Eravur) who participated at the inspection.
3. Name and designation of the male officers who participated at the inspection.

The IO on 04.08.2017 responded stating that ..... Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 15.10.2017. The DO responded on 27.10.2017 stating that ..... Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 20.11.2017.

**Matters Arising During the Course of the Hearing:**

Both parties submitted that certain information has been provided by the PA. However, the appellant stated that he has not received the information requested in full. The names of the police officers who accompanied the committee of inspection have not been revealed to him. The Appellant further submitted that the PA has sent the information after a long delay.

The PA has filled a case against the appellant for not closing the water well in the Mosque with a mosquito mesh whereas he has closed with a steel sheet and the appellant wants to know whether there is any circular or any law which state that the wells should be closed with a mosquito mesh.

The PA agreed to provide the information with regard to the names of the Police officers who conducted the inspection. The commission informed that the reasons to charge the appellant are stated in the charge sheet sent to him.

**Order:**

The commission ordered the PA to provide a copy of the charge sheet to him, wherein the reasons are stated, and the details of the police officers who accompanied the inspection team, with a copy to the commission.

The Appeal is concluded.

Order is directed to be conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

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