

**BEFORE THE GOA STATE INFORMATION COMMISSION**

**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**CORAM: Smt. Pratima K. Vernekar,  
State Information Commissioner**

**Appeal No. 185/SIC/2010**

**Mr. Premanand G. Phadte,  
46/E, Arlem-Raia, Salcete Goa 403720       .....Appellant  
V/s.**

1. The Public Information Officer,  
The Secretary, Raia Village Panchayat,  
Raia, Salcete-Goa                               .....Respondent No. 1
2. The Block Development Officer,  
First Appellate Authority,  
Salcete-II, Margao-Goa                       .....Respondent No. 2

Appeal Filed on . 04/08/2010

Disposed on. 06/05/2016

**ORDER**

The brief facts relating to present Appeal are as under.

1. The Appellant Shri Premanand G. Phadte by his letter dated 29/04/2010 sought information under Right to Information Act, 2005 from the Public Information Officer/Respondent No. 1.
2. Since the information was not furnished to him he preferred First Appeal before First Appellate Authority (FAA). Appellate Authority vide Order dated 28/06/2010 directed Respondent No. 1 to provide the information to the Appellant within 7 days from the date of Order. As no information was received, the Appellant filed present Appeal praying that the Respondent No. 1 be directed to furnish information as sought by him, to give direction to FAA to pass necessary Order, for initiating action against both the Respondents for violating provisions of RTI Act 2005 and for compensation.

3. Shri Krishna Gaude, then PIO filed reply. On behalf of Respondent No. 2 reply came to be filed by Shri Uday R. Prabhudesai.

4. In brief it is a case of Respondent No. 1 that information is furnished in respect of all points and that of Respondent No. 2 that the Order has been passed by them within stipulated time.

5. Despite of notice the Appellant opted to remain absent. When the matter was fixed for arguments 15/04/2016, Respondent No. 1 remain absent without due intimation to this Commission as such the Commission had no other option to decide the same on the basis of documents, being the said matter is very old.

6. Through the reply of Respondent No. 1 it is revealed that information has been already furnished, there is nothing on records to substantiate that the Appellant has received the same. The Commission could not seek any clarification as regards to the mode by which it was furnished, Acknowledgement if any was obtain etc. In absence of any proof, the Commission considered that no information has been furnished to the appellant, as such the Commission is of opinion that the relief in terms of prayer (a) is required to be granted

7. From the reply of Respondent No. 2 along with the annexure, it is evident that the Order has been already passed by FAA within stipulated time as such the second prayer sought by the Appellant becomes infructuous.

The object of RTI Act is to bring transparency and to bring accountability of functioning of public office and the mandate of RTI Act is perse to provide information. It has been observed in this case that then PIO has failed and neglected to perform his public duties. The mandate of section 7(1) of the RTI Act requires PIO to decide the request for information either by providing the information on payment of necessary fees or reject the request under section 8 & 9 of RTI Act. Decision of PIO to be passed expeditiously as possible and within the period of 30 days. It is seen from the records in the present case that then PIO has not even replied to RTI application. Further the record says that after the Order of FAA a letter was made by then PIO, Krishna Gaude dated 23/04/2011 informing Appellant that the points No. 1 to 8 of his RTI application are not available in Panchayat records. However in reply before this Commission the

same PIO submits that information as sought is already provided. Two contrary stands are taken by PIO. The subsequent letter dated 29/06/2010 of Shri S. Phadte reveals that the information was available. However said PIO has failed to comply with section 7(3) (a) of RTI Act.

The Letter dated 19/04/2011 from Secretary Village Panchayat Raia reveals that appellant was told to collect the information from their office during office hours, however from the letter of appellant dated 20/04/2011 addressed to Secretary Village Panchayat Raia it is seen that he had visited Village Panchayat office to collect information however PIO was not available in office nor had made arrangement provide him the information.

Two contrary replies of Shri K. Gaude one given to Appellant and 2<sup>nd</sup> before this Commission cannot be ignored and brush aside. A serious note has to be taken of such irresponsible conduct.

From the facts before this Commission it is apparent that then PIO is guilty of not furnishing information within the time specified under section (1) of section 7 by not replying within 30 days as per requirement of RTI Act. Great hardship has been caused to the Appellant in pursuing the said RTI application before different Appellate Authority. As such this Commission is of the view that compensation to the appellant would meet the ends of justice.

Commission passes following Order.

- 1) PIO is directed to furnish to the Appellant the entire information as sought by him by his application dated 29/04/2010.
- 2) Issue notice to then PIO, Shri K. Gaude, to show cause as to why he should not be directed to pay compensation to the appellant returnable on 17/06/2016.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

**(Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa