

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No.110/ SCIC/2014/

Smt. Anisha A. Mantondkar,
H. No. 86/1,
Paithan, Penha-de-France, Porvorim-Goa

.....**Appellant.**

V/s.

Public Information Officer,
Shri Ashutosh Apte,
Under Secretary (Revenue),
Secretariat, Porvorim-Goa

.....Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 17/10/2014
Decided on: 14/12/2016

ORDER

1. Appellant Smt. Anisha A. Matonkar has sought certified copies of the documents at Sr. No. 1 to 8 mentioned in her application dated 18/07/2014 filed under section 6(1) of the Right to Information (RTI) Act from Public Information Officer (PIO) of Goa Public Service Commission, Panjim-Goa
2. The PIO of Goa Public Service Commission vide their letter dated 08/8/2014 furnish the information to the Appellant except at point No. 6 which was pertaining to the Revenue Department and as such the same was transferred to the PIO of Revenue Department on 06/08/2014 by PIO of Goa Public Service Commission with request to kindly furnish the information sought by the Appellant in her letter at point No. 6 directly to the Appellant under intimation to Goa Public Service Commission (GPSC).
3. The appellant did not receive any reply from PIO, Revenue Department, Secretariat, Porvorim-Goa the Respondent No. 1 herein, within stipulated time and therefore preferred an appeal before the Appellate Authority against the deemed refusal. As the First Appellate Authority (FAA) too did not take any decision on the Appeal which was filed by the appellant bearing No. 264 and 265 on 27/08/2014 within the time limit specified in sub-section (6) of section 19 of RTI Act hence, the present second appeal before

this Commission under section 19(3) came to be filed on 17/10/2014 with prayer for directions as against Respondent PIO for furnishing information at point number 6 of her application dated 18/07/2014 filed under RTI Act free of cost and for invoking section 20(1) and 20(2) of RTI Act, 2005.

4. In pursuant to the notice appellant opted to remain absent. Representative of Respondent No. 1 PIO Anil Naik was present only on one occasion and subsequently opted to remain absent nor filed his reply.
5. On account of continues absent of the Appellant as well as the respondents this Commission had no other option then to decided, matter based on the record available in the file.
6. Since no reply is filed by the Respondent PIO disputing the contents of memo of appeal, I have no hesitation in considering and believing the averments made in the memo of appeal that Respondent PIO have not furnish information at point no. 6. nor informed her regarding the decision taken by them on her application which was transferred to him. It reveals from last para at page 2 of the appeal memo that two separate appeals were filed by the Appellant 27/08/2014 bearing no 264 and 265 interms of section 19(1) of RTI Act before 1st Appellate Authority which were not disposed by FAA, however it is pertinent to mention that copies of appeal memos are not relied nor annexed by her in appeal before this Commission in support of her contention. On account of continuous absence of Appellant no clarification could be sought from her to that effect.
7. The right to information act 2005 has been enacted with objective of promoting transparency and accountability in the working of the Government. It empowers that citizen to keep necessary vigil on the instrument of Government and make the government more accountable to the governed. The act is the big step towards making citizen informed about the activities of the Government.
8. It is seen from the record that the application which was transferred to the Respondent PIO has not bothered to reply the same leave aside furnishing the information. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligation under the RTI act. Irresponsible attitude of the PIO is further evident from the lack of participation in his appeal inspite of service.
9. The conduct of PIO herein is condemnable. PIO should always keep in mind that their service taken by government to help the people of the state in particular and people at the country at large and the objective and the purpose for which the act came to existence. Such conduct of PIO in obstructing transparency and accountability in public authority appears to be suspicious and adamant visa vis the intend of the Act.
10. If the correct information was furnished to the Appellant in the inception he would have saved her valuable time and hardship cause to him in perusing the said Appeal. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. If Respondent No. 1,

then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.

11. In the above given circumstances following order is passed :-

ORDER

- (i) The Respondent No.1 PIO hereby directed to furnish the information at point number 6 as sought by the applicant vide letter dated 18/07/2014. Within 15 days from the date of the receipt of this Order.
- (ii) Issue notice to PIO, Ashutosh Apte to show cause as to why penal action as contemplated u/s 20(1) and 20 (2) of the Right to information Act, 2005 should not be initiated against him.
- (iii) Issue notice to Respondent No. 1, PIO to show cause why he should not be made to compensate the Appellant.

Respondent, PIO are hereby directed to remain present before this Commission on 23/01/2017 at 3.30. p.m. along with written submission showing cause why cost/compensation should not be imposed on him. For further inquiry posted on 23/01/2017 at 3.30. p.m.

Order to be communicated to the parties.

Pronounced in open proceedings.

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