GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Prashant S. P. Tendolkar
Chief Information Commissioner
Smt. Pratima K. Vernekar
State Information Commissioner

Appeal No.03/SCIC/2016

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.II,
Khorlim Mapusa. …. Appellant

V/s

1)The First Appellate Authority,
The Chief Officer (Shri Raju Gawas),
Mapusa Municipal Council,
Mapusa –Goa. …. Respondent No.1

2)The Public Information Officer,
The Main Engineer Grade – (Hussein Shah Muzawar),
Mapusa Municipal Council,
Mapusa-Goa. …. Respondent No.2

Filed on : 01/01/2016
Disposed off: 27/07/2016

FACTS:

a) The appellant herein by his application, dated 21/07/2015 sought certain information from the Respondent No.2 raising 5 queries therein. The said application was not at all responded by the PIO within the stipulated time and hence the appellant filed first appeal to the respondent No.1.

b) The First Appellate Authority (FAA) by order, dated 29/10/2015 directed the PIO to submit the information that was available within 15 days from the date of said order.

c) Inspite of the said order, of the FAA the PIO failed to furnish the information and hence the appellant has landed before this Commission with the present second appeal u/s 19(3) of the act.

…2/-

d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 04/04/2016 filed a reply to the appeal annexing thereto letter addressed to the appellant being the information as applied by him by his said application dated 21/07/2015 filed in the section 6 of the Act. The said annexed letter is dated 01/04/2016.

e) Arguments were heard. The appellant filed his arguments in writing as his reply.

FINDING

a) We have perused the records and considered the arguments of the parties. The initial application filed under section 6 of the Act is dated 21/07/2015 and in warded in the office of Public Authority on the same date.

b) Under section 7 (1) the PIO was required to reply the same with the information or by giving reasons for refusal within 30 days from 21/07/2015. We do not find any such reply on record given by the PIO. A perusal of the reply filed by Respondent No.2 in this appeal also does not disclose that any such reply, with or without information was furnished to the appellant within the stipulated time. Being so it appears Primafacie that the PIO has not given a response to the request of the appellant for information within the time limit specified under the Act.

c) The appellant, on account of inaction of the PIO had to file the first appeal with the Respondent NO.1. The said appeal was filed on 27/08/2015. It is the contention of the appellant in the appeal Memo that the order in the first appeal was passed on 08/10/2015 though

…3/-

in the order the date of the order is shown as 29/10/2015. We do not find anything on record to substantiate that the order was passed on 08/10/2015. The said first appeal was allowed with a direction to furnish the available information within 15 days from the date of order. Accordingly, the said order has to be complied with by furnishing the available information on or before 15/11/2015. According to the appellant such information was not furnished within that time. Even in the reply dated 04/04/2016 filed by the PIO there is no statement that they have complied with the said order of the FAA. In this situation we find prima-facie evidence that the PIO has failed to give access to the information to the appellant.

d) By way of furnishing information before this commission the PIO Respondent No.2 has filed copy of the letter, dated 01/04/2016 addressed to the appellant. The said information is dealt with by the appellant in his written reply according to him the information is furnished to his query Nos. 1,2 and 4 are furnished. He raises objection to the information given under query nos. 3 and 5 hence we feel it necessary to deal only with these queries.

e) Query No. 3 is in the form of certified copy of memos issued to Junior Engineer Reshma Satardekar. It is answered as not available. It is not clarified whether it was issued as per records or not and if issued the appellant to have a copy thereof. Hence said query no.3 is required to be answered firstly whether memos are issued or no.

f) Regarding query No.(5) it is seen that the appellant has asked copies of 122 cases. By reply the details of 13 cases is given and balance is stated as not available. The query is appropriately replied and information is furnished.

g) Considering the above circumstances we hold that the PIO has failed to furnish the information as sought by the appellant to his query No.3 and that rest of the queries are answered. We therefore dispose the present appeal with the following:

O R D E R

PIO is directed to furnish to the appellant the information to query No. 3 of appellant's application, dated 21/07/2015 filed under section 6 of the RTI Act within 15 days from the date of this order.

PIO to show cause why action, as deemed fit, as contemplated under section 20(1) and/or 20(2) of The Right to Information Act, should not be initiated against him. Reply to be filed by the PIO on 19/09/2016 at 10.30 am.

Copy of the order to be furnished to the parties free of cost.

Pronounced in the open proceedings.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa

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