

# GOA STATE INFORMATION COMMISSION

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

**CORAM: Shri Juino De Souza State Information Commissioner**

**Appeal No. 25/SIC/2012 & Complaint No. 21/SCIC/2012**

Engr. Rabindra A. L, Dias,  
Cujira, St. Cruz,  
Tiswadi – Goa.

.....Appellant / Complainant

**v/s**

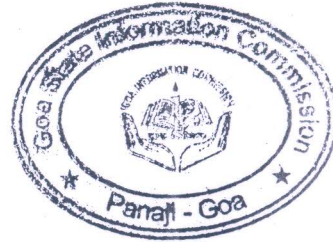
The SPIO,  
Office of the Principal Chief Engineer,  
Public Works Department,  
Altinho, Panaji – Goa.

..... Respondent

## **Relevant emerging dates:**

Date of Hearing : 12-07-2016

Date of Decision : 12-07-2016



## **ORDER**

1. The above Appeal and Complaint case pertain to one and the same parties and are having similar subject matter and also arise out of the same RTI application and as such they are combined together and disposed by one common order.
2. Brief facts of the case are that the Appellant /Complainant had vide two similar RTI applications both dated 27/09/2011 sought certain information from the Respondent PIO. The information sought is on 86 different points and is voluminous. It is the case of the Appellant /Complainant that the Respondent PIO refused information and which is why a first Appeal was filed on 31/10/2011 and accordingly the FAA Shri U.P. Lawande had fixed the hearing on 24/11/2011.
3. It is seen that the Appellant /Complainant submitted an objection for the hearing to be heard by Shri U.P. Lawande, the First Appellate Authority (FAA) on the ground that he is the Head of the Office of the Superintending Surveyor of Works, PWD and hence cannot initiate the suit hearing and allegations were made that the FAA maliciously protects the interest of his staff members without justification and the Appellant /Complainant without awaiting the outcome of the First appeal has filed a Second Appeal and a Complaint simultaneously on 27/01/2012.

4. During the hearing the Appellant Eng. Rabindra A.L. Dias is absent without intimation to this Commission. It is seen that in the complaint case he has remained absent on three occasions viz on 16/03/16, 26/04/16 and 12/07/16 and twice in the appeal case on 27/04/16 and 12/06/16. The Respondent PIO Smt. Madhura Naik, Dy. Director (Admn.) P.W.D. alongwith Sharon Sadhana is present in person.
5. The Respondent PIO submits that information on 80 points out of 86 points as requested by the Appellant/Complainant as per his Application dated 27/09/2011 has already been furnished point wise and that the information for Point no.27 28, 35, 36(f) was not available as per the records in the office and hence could not be furnished to the Appellant.
6. It is further submitted that the RTI application of the Appellant / Complainant was forwarded to the Superintending Surveyor of Works, PWD vide letter dated 13/10/2011 under Section 5 (4) requesting to furnish the information as it pertains to that office and that the information was furnished vide letter dated 16/12/2012 which was signed by the Shri Ahok G. Daiwajna, Surveyor of Works II, O/o SSW, PWD who is a staff of that office and that Superintending Surveyor of Works, PWD, Altinho is designated as PIO vide office order dated 18/4/2012.
7. It is also submitted that the Appellant/Complainant was informed that the information is ready and was requested to collect the same vide letter dt. 31/01/2012 and which letter was returned back to sender by the post office with a remark as 'Unclaimed'.
8. The Respondent PIO also submitted that the information which was furnished by the office of the Superintending Surveyor of Works, PWD Altinho, the same information was once again furnished to the Appellant / Complainant vide the office letter dated 24/04/2012 as per his request and that the Appellant / Complainant has collected same on 25/04/2012. The Respondent PIO prayed that therefore nothing survives in both the Appeal and Complaint cases which should be disposed of accordingly.
9. The Respondent PIO submits copies of all information documents supplied to the Appellant / Complainant on 80 out of 86 points along with a written reply dated 12/07/2016 confirming all facts along with annexures/ exhibits which is taken on record.

10. The Commission has perused the material on record including the copies of the voluminous information documents supplied to the Appellant / Complainant and one set is with the commission and also the reply including annexures / exhibits submitted by the PIO and finds that indeed all information was furnished.
11. The Commission also observes that Appellant / Complainant has neither appeared nor attended the hearings fixed by the FAA but instead without justifiable reason raised frivolous objection through wild allegations and casting aspersions on the said FAA Shri U.P. Lawande who is an officer senior in rank to the PIO which is unwarranted and uncalled for. The Appellant / Complainant has no locus standi to raise such objections as the FAA has been duly appointed by the appropriate government.
12. The Commission is of the opinion that the Appellant /Complainant should have appeared and attended the hearings in the First appeal case before the FAA and if aggrieved with the order of the FAA, the same could have been thereafter challenged before the Commission.
13. The Commission therefore comes to the conclusion that the Appellant / Complainant perhaps felt he did not have a strong case and which is why he failed to exhaust his remedy of First Appeal, further in view of the evidence that information on 80 points out of 86 points as requested by the Appellant/Complainant has already been furnished to him point wise which is on record and that the information for Point nos. 27 28, 35, 36(f) was not available as per the records in the office and hence could not be furnished to the Appellant, nothing survives in both the Appeal and Complaint cases which being devoid of any merit accordingly stand dismissed.

All proceedings in both the Appeal and Complaint case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.



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**(Juino De Souza)**  
**State Information Commissioner**