

GOA STATE INFORMATION COMMISSION

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

Appeal No. 113/SIC/2014

Shri Maximo Andrade,
F-17 Pearl Co-operative,
Hsg. Society Ltd,
Dr. Ambedkar Road,
Dadar, Mumbai.

..... Appellant

V/s.

1. The Public Information Officer, (PIO)
Mamlatdar of Salcete,
Margao Goa,
Late Mathany Saldana Complex.

2. The First Appellate Authority,
Dy. Collector & SDO of Salcete,
Margao Goa.
Late Mathany Saldana Complex

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 14/10/2014

Decided on: 22/12/2016

1. Brief facts of the case are that the appellant Shri Maximo Andrade through his application dated 27/2/14 under section 6(1) of the Right to Information Act 2005 sought. Copy of mutation order passed by the concerned authority, copy of the application filed for mutation with all enclosure and copy of the notice of file for the mutation with PIO of office of Malatdar Salcete at Margao since the application was not responded by the PIO within stipulated time and as no reply was forthcoming in spite of making inquiry by him with a office of the SPIO, he filed first appeal before Dy. Collector and SDO of Salcete being first appellate on 24/6/14. Since Respondent No. 2 FAA failed to disposed first appeal within specified

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time as contemplated under the said act, the present second appeal came to be filed before this commission on 14/10/14, praying for the direction to provide the requisite information at an early date.

2. After notifying the parties the matter was listed on board and was taken up for hearing. Appellant appeared only on one date of hearing. Respondent PIO was represented by Shri Vishal Kundaikar and By Shri Ramakant Naik. Respondent No. 2 despite of service absent not filed his reply.
3. During the hearing the representative of Respondent No. 1 Shri Ramakant Naik submitted as per the directions information is already furnished to the appellant by registered A.D. and sought leave to produce on record the acknowledgement cards of the appellant of having to receive the information and accordingly he produced the same vide his application dated 22/12/2016. PIO Shri Vishal Kundaikar further submitted that date of hearing was also informed to the appellant. Since the appellant have not approached this commission with grievances as regards to information furnished to him, it is presumed that said is as per his requirement and satisfaction. As such no intervention of this commission is required. However liberty is granted to appellant to seek additional information if required on the same subject matter.
4. As no reply was filed by Respondent no. 2 FAA and as failed to appear before the commission, no clarification could be obtained from Respondent No. 2 FAA as to why they failed to dispose the first appeal within stipulated time and what was the reason for withholding the same.
5. This Commission would like to refer Section 19(6) of the Act which states "An Appeal under sub-section (7) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from

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the date of filing thereof, as the case may be, for reasons to be recorded in writing.”

6. It is hereby observed by the Commission that in present case even though the Appellant has preferred the Appeal before the FAA/Respondent No. 2 it has failed to pass an order on the first Appeal. The Role of Commission as prescribed u/s 19 (3) is by way of second Appeal and that to only against the decision of FAA. In other words the role of Commission would come in play only after the issue is decided by the First Appellate Authority.
7. The displeasure is hereby expressed by this Commission for the conduct and attitude shown by the Respondent No. 2/FAA. It has been observed in various cases that FAA either does not pass any Orders or such Orders are passed after the stipulated time, as such great inconvenience and hardship, mental agony is thereby caused to the Appellant. The commission observes that Respondent No. 2 FAA miserably failed to perform their duties as contemplated under the Right to Information Act and hence warns Respondent No. 2/First appellate authority that such irresponsible behavior would not be tolerated hence forth and incase detected, would be reported to the authorities, recommending penal action.

Appeal dispose of accordingly proceeding closed.

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 under the Right to Information Act 2005.

Sd/-

(Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa

