

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 115/SCIC/2012

Engr. Rabindra A. Dias
Dr. Pires Colony, Block "B"
Cujira, St. Cruz, Tiswadi- Goa.

v/s

..... Appellant

1. PIO
O/o Dy. Collector & SDO
4th Floor, Collectorate Bldg.
Margao- Goa.
2. PIO
O/o Joint Mamlatdar- I, Salcete
Collectorate Bldg., Margao- Goa.
3. The First Appellate Authority
O/o Additional Collector- I
Collectorate Bldg., Margao- Goa.
4. PIO
O/o Additional Collector- II
Collectorate Bldg., Margao- Goa.



.....Respondent

Relevant emerging dates:

Date of Hearing : 09-06-2016
Date of Decision : 09-06-2016

ORDER

1. The brief facts of the case are that the Appellant had filed a RTI Application with the Respondent No.1 PIO, O/o Dy. Collector & SDO, Margao on 24/06/2010 seeking certain information. The Respondent No. 1 PIO sent a reply to the application on 09/07/2010 requesting the Appellant to visit the PIO's office on any working day during the morning session and collect the information upon paying the necessary fees amounting to Rs. 134/-
2. The Respondent No.1 PIO further stated in his reply that as information sought by the appellant at Sr. No. 2, 3 and 4 of his application was not available in the PIO's office records the RTI application has been transferred to the Respondent No.2 PIO O/o Joint Mamlatdar-I, Salcete.
3. Not being satisfied with the Respondent No.1 PIO's reply, the Appellant preferred a First Appeal on 10/08/2010 before the FAA Respondent No. 3 Additional Collector-I, South Goa.

4. The FAA vide Order dated 26/11/2010 closed the Appeal with the observation "The file from which information is sought is in Office of Additional Collector-II. As such, Respondent No.2 to transfer the application under Section 6(3) by today itself though delayed and make mention not to charge any processing fees." Not being satisfied with the FAA's Order the Appellant came in a Second Appeal before this Commission on 15/06/2012.
5. During the hearing the Appellant is absent despite Advance Notice sent by Registered Post (RPAD) without intimation to this Commission. The Appellant has sent a communication received by the Commission during the hearing requesting to postpone the case on medical grounds, however there is no medical certificate attached. Respondent No.1 PIO Shri. Johnson Fernandes, Respondent No.2 PIO Shri. Vishal Kundaikar and the Respondent No. 3 FAA Shri. L.S. Roncon Pereira, Addl. Collector-I are also present in person.
6. Since the matter pertains to the year 2012 and has to be disposed on priority basis and further in view that the Respondents have submitted that the appellant has several cases pending for disposal, the commission feels that there is no dire necessity to keep the matter alive and hence continues with the proceedings.
7. Respondent No.1 PIO submits that the despite the letter dated 09/07/2010 informing the Appellant to collect the information after paying the necessary fees, he did not turn up. The PIO further states that since the information pertaining to Sr. Nos. 2, 3 and 4 of the Appellant's RTI application was available with the office of the Respondent No. 2 the application was transferred to the Respondent No.2 and hence, the Appellant's contention that information was not provided by Respondent No.1 is incorrect and not acceptable.
8. The Respondent No.1 PIO further submits that the Appellant desired that the PIO should collect information from the other public authority and give it to him, which is not possible under the RTI Act. The PIO also stated that by his virtue of his position as the Deputy Collector he had passed an Order in a Mundkar Act against the Appellant and as such the Appellant has resorted to harassing him as PIO by filing multiple RTI applications seeking voluminous information and later not collecting the same when kept ready as he does not want to pay the necessary fees.

9. The Respondent No.2 PIO O/o Joint Mamlatdar-I submits that he has not denied any information to the Appellant. The Respondent No. 3 FAA submits that his Order is already on record of the file and he maintains whatever is stated in the Order and has nothing to add.
10. The Commission on perusing the Appeal observes that while the FAA's Order is passed on 26/11/2010, the Appellant has filed the Second Appeal before this Commission 15/06/2012 after almost a delay of nineteen months. As per Section 19(3) of the Right to Information Act, a Second Appeal before the Commission should be filed within ninety days of the date of the FAA's Order.
11. It is seen that the Appellant has submitted application for condonation of delay dated 15/06/2012 along with the Second Appeal, stating that he was awaiting the response of the Respondent No.2 and that he was also busy with urgent government matters which were time bound. However, the Commission notes that the excuse for which the condonation is being sought by the Appellant is flimsy and hence cannot be condoned.
12. Nonetheless this apart the very fact that the Appellant has neglected to pay the fees and collect the information which was kept ready by the PIO itself proves that the case of the Appellant does not seem genuine. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. It is not a case where the PIO has denied the request for information.
13. The Appeal is devoid of any merit and as such stands dismissed. However liberty is granted to the Appellant to approach the office of the respective PIO's within 60 days from the date of this order and collect the information after paying the necessary fees if he so desires. In such an event the PIO will extend full cooperation in supplying the information if available.
14. All proceedings in the Appeal 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.




(Juino De Souza)
State Information Commissioner