

GOA STATE INFORMATION COMMISSION

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

Appeal No. 118/SIC/2014

Shri Franky Monteiro,
H.No. 501, Devote,
Loutolim, Salcete Goa .

..... Appellant

V/s.

1.The Public Information Officer,(PIO)
The Dy. Director of Panchayats, North,
3rd floor, Junta House, Panaji Goa.

2. The First Appellate Authority,
The Director of Panchayats,
3rd floor, junta House, panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 07/11/2014
Decided on: 30/12/2016

ORDER

1. The appellant Shri Franky Monteiro had sought information and inspection pertaining to departmental inquiry by special inquiry authority into charges framed against Custodeio faria, Village Panchayat, Secretary, Lotelim, Salcete in case No. 91-20-07-Adm-50.
2. Since the appellant did not received any reply from PIO Dy. Director of panchayat, North, Panajim with stipulated time of 30 days , therefore preferred an appeal before Respondent No. 2 FAA against the deemed refusal .
3. After the first appeal was filed the concerned clerk of the office of Directorate of panchayat informed appellant that the letter dated 22/4/2014 was dispatched requesting the appellant to

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visit the office for inspection of the files which he had sought at point No. 4 of his application.

4. It is the case of the appellant that he carried out the inspection of the files on 25/4/2014 and submitted the list of the pages numbers sought by him by his application . It is further case of appellant that he was informed by the clerk that he would be intimated when the documents were ready for collection. However the said was not furnished to him nor intimated to him.
5. During the hearing before first appellate authority the appellant filed an reply on 12/5/2014 stating that the information cannot be furnished interms of section 8(1)(e) (a) (j) of to Right to information Act 2005 and also informed the appellant vide their letter dated 8/5/2014 .
6. The Respondent No. 2 vide FAA vide his order dated 12/6/2014 partly allowed the appeal and directed the respondent dent No. 1 PIO to provide the information to the appellant at point 2 of his application dated 25/2/2014 within 7 days from the receipt of the order.
7. Since the order of first appellate authority was not complied by Respondent No. 1 PIO and also being aggrieved by the order of Respondent No. 2, the present second appeal came to be filed before this commission on 7/11/2014 u/s 19(3) of the RTI Act 2005 with the directions of providing the full information were sought by him vide his application dated 25/2/14 and for invoking penal provisions against both the Respondents.
8. In pursuant to the notice Respondent No. 1 is represented by K.D. Halarnekar who filed reply on behalf of Respondent No. 1 PIO on 5/5/2016 and on behalf of Respondent No. 2 on 13/4/2016 even though the appellant franky Monterio was duly

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notified, he opted to remain absent and as such the copy of reply could not be provided to him.

9. The representative of Respondent No. 1 Shri K. D. Halankar, volunteered to furnish information and submitted that inquiry against Shri custodia faria have been concluded and authority have submitted inquiry report and as such they are willing to furnish the required information to the appellant by Registered A.D. and to file compliance report along with the acknowledgement card.
10. On subsequent dates of hearing both the Respondent opted to remain absent. However the copy of the letter dated 31/8/2016 Addressed to the appellant by Dr. Geeta Nagvekar which was sent by post which was received by this commission on 12/9/2016 informing the appellant that the article of charges framed against the Custodia faria then of village Panchayat secretary of Village Panachayat Loutolim have not been proved.
11. An opportunity was given to the appellant as well as Respondents FAA to substantiate their case. However since the parties failed to appear and as no compliance report and postal acknowledgement cards was placed on record by the Respondent No. 1 PIO, and as the matter being old the commission decided to disposed the appeal on merits based on the records .
12. The PIO Respondent No. 1 has not specified the mode by which the said information was furnished to Appellant or produced any acknowledgment on record of having received the required information by the Appellant. In the absence of any such acknowledgement, Commission is reluncted to believe and consider the plea taken by the Respondent No. 1, PIO.

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13. It is seen from the records that the application u/6(1) dated 25/2/2014 was not responded by the Respondent No. 1 PIO within stipulated time as contemplated u/s 7(1). The said came to be replied only on 22/4/2014 and then on 8/5/2014. The said delay has not been explained by Respondent No. 1 PIO.
14. The Respondent No. 1 PIO even though filed reply to this commission are silent of the compliance of the order of respondent No. 2 FAA such an attitude and conduct on the part of Respondent No. 1 PIO is condemnable and against the mandate of RTI Act . However considering that this is the first lapse of the part of the Respondent PIO a lenient view is taken in the present matter. And he has been directed to be vigilant henceforth.

In the above given circumstances following order is passed.

ORDER

The Appeal is allowed. The PIO, shall furnish to the appellant. the entire information as sought for by the Appellant vide his application, dated 25/02/2014 within fifteen days from the date of receipt of this Order. The information shall be sent by Registered Post A.D. free of cost. The acknowledgement so received after service shall be produced before this Commission within ten days thereafter after the receipt of postal acknowledgment.

Appeal dispose of accordingly proceeding closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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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/-

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