

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No. 119/SCIC/2015

Jawaharlal T. Shetye,
C/o. Mapusa Jana Jagruti Samiti,
H.No. 35, Ward No. 11, Khorlim, Mapusa-Goa
V/s

1. The First Appellate Authority,
Chief Officer (Mr. Raju Gawas),
Mapusa Municipal Council,
Mapusa-Goa
 2. The Public Information Officer,
The Main Engineer (Mr. Hussain Shah Muzawar),
Mapusa Municipal Council,
Mapusa-Goa
-Respondents

Appeal filed on: 28/10/2015

Decided on: 14/06/2016

ORDER

1. By an application dated 26/06/2015 the Appellant, Shri J. T. Shetye sought from Respondent No. 2/ PIO, the Main Engineer, Grade-I, Mapusa Municipal Council, Mapusa –Goa information at Sr. No. 1 to 4 in respect of the representation made by Mapusa People’s Union dated 08/06/2015 to Mapusa Municipal Council requesting for cancellation of recruitment process to the four LDC post filled by Mapusa Municipal Council.
2. The said application was replied by the Respondent No. 2/PIO on 7/08/2015 since the reply was not filed within stipulated period of 30 days, the Appellant filed first Appeal before the Chief Officer of Mapusa Municipal Council on 27/07/2015 being first Appellate Authority. By an Order dated 09/09/2015 the Respondent No. 1/ First Appellate Authority (FAA) directed the Public Information Officer (PIO) to furnish the available information within 15 days from the date of Order.
3. Since the Respondent No. 2/PIO failed to furnish the information as per the direction of FAA, filed present second Appeal before this Commission on 28/10/2015.
4. In the said Appeal before this Commission the Respondent has prayed for the direction to Respondent No. 2/PIO a) to furnish information immediately and b) for invoking penalty clause u/s 20 (1) and 20 (2) of RTI Act 2005.

5. After notifying the parties the matter was listed on board and was taken up for hearing.
6. During the hearing Appellant was present in person and PIO, Shri Hussain Muzawar alongwith APIO, Vinay Agarwadekar present on behalf of Respondent No. 2/ PIO. Respondent No. 1 /FAA was absent during the proceedings.
7. A reply came to be filed by Respondent No. 2/PIO on 29/03/2016 duly enclosing the copy of information furnished to the Appellant vide their office letter No. EST/RTI/2331/2016 dated 16/03/2016 to his RTI application dated 26/06/2016. It was further submitted that beside the said information there was no any other information available in the Office.
8. The written synopsis were filed by the Appellant on 11/05/2016 and also during the hearing, it was submitted by the Appellant that he is not satisfied with the answers given at point No. 1, as such this Commission directed Respondent No. 2/PIO to furnish him with the copy of their letter 08/12/2015 address to the Office of Department of Urban Development with regards to the representation dated 8/06/2015.
9. On subsequent date of hearing i.e. on 19/05/2016 the Appellant was absent. Respondent No. 2/PIO, Hussain Muzawar was present and he submitted that the additional information was collected by Appellant on 16/05/2016 and has given his acknowledgment on the said letter. The Respondent No. 2/PIO also undertake to file compliance report on the next date of hearing.
10. On 3/06/2016 the Appellant appeared in the morning before this Commission and submitted that he is satisfied with the additional information, which was collected by him on 16/05/2016 from Respondent No. 2/PIO and he is not insisting for penalty proceeding. Accordingly he filed application. The copy of the said was furnished to the Respondent No. 2/PIO during the hearing in the afternoon session.
11. Since all the information sought which could be furnished to the Appellant have been furnished this Appeal has become in fructuous. The Appellant has graciously has waved prayer (b) of penalty. However, this Commission has observed that there has been considerable delay in providing the information. The PIO has assured that such delay would not occur in future. I therefore condone the conduct of PIO.
12. Appeal is accordingly disposed proceeding stands 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