GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza State Information Commissioner.

Appeal No. 139/SIC/ 2012

Vishal Naik,
H. No.128/1, Rua De Maria,
Sancoale, Cortalim, Goa
403 710

..... **Appellant**

v/s

1. Public Information Officer
   Public Health Department
   Secrerariat, Porvorim- Goa.

2. First Appellate Authority
   Joint Secretary (GA)
   Secretariat, Porvorim- Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 26-05-2016
Date of Decision : 26-05-2016

ORDER

Goa State Information Commission Panaji - Goa

1. The brief facts of this case are that the Appellant had filed an application before the Respondent PIO vide application dated 12/01/2012 seeking certain information. The Respondent PIO replied to the application vide his letter dated 06/02/2012. Being aggrieved by the PIO's reply, the Appellant preferred a First Appeal before the Respondent No 2, First Appellate Authority (FAA) on 05/03/2012 and the Respondent FAA disposed off the Appeal on 27/04/2012. Thereafter not being satisfied, the Appellant preferred a Second Appeal before this Commission on 30/07/2012.

2. Notices were served and the matter was listed for hearing. During the hearing, the Appellant is present in person. The Respondent PIO is represented by APIO Shri. Jafarulla Khan along with Assistant Rajendra Gaonkar.

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3. The Respondent APIO submitted that he is new to the post and that as per records the desired information has been already furnished to the Appellant. Per contra the Appellant submitted that he has not received information for queries pertaining to points 1, 7, 10, 17, 18, 19 and 24. He further submitted that the PIO has not stated whether the said information is available or not.

4. The Commission upon scrutiny of the file observes that the information sought by the Appellant vide his letter dated 12/01/2012 is voluminous and pertains to 26 different points. It is observed by the Commission that the Respondent PIO vide letter dated 06/02/2012 has given a detailed reply in tabulation form covering all 26 points raised by the Appellant.

5. Further, the Commission observes that information has been provided with respect to several points by the Respondent PIO. In certain points, the Respondent PIO has replied that the request of the Appellant is not specific and hence cannot be furnished, while on certain other points the Respondent PIO has replied that the said information shall be provided by the Directorate of Health Services.

6. The Appellant not being satisfied by the PIO's reply filed a First Appeal before the FAA dated 05/03/2012 through Registered Post which was disposed off by the FAA vide his Order dated 27/04/2012.

7. The Commission observes that the FAA's Order is indeed a reasoned Order, besides judgment of the Hon'ble Supreme Court in the matter of Central Board of Secondary Education and Anr. v/s Aditya Bandopadhyay and Ors. (Civil Appeal No. 6454 of 2011) has also been cited. Further it is observed that the FAA in his Order had not only directed the Respondent PIO to provide the information as requested by the Appellant regarding point 2, but also stated that the Appellant may approach the Directorate of Health Services to seek information at points 3, 5, 6, 20, 21, 22, 23, 25 and 26.

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8. The Appellant has admitted that that the information has been received but it was not from the PIO and that he had to make another application to Directorate of Health Services (DHS) who has provided him with the information.

9. The Commission finds that although DHS comes under the Dept. of Public Health, however it is a separate public authority having its own PIO's and as such the Appellant should have addressed certain queries to this Public Authority, nevertheless the fact remains that the Appellant has collected information is sufficient.

10. The Commission is satisfied with the reply of the PIO in tabulation form and also with the FAA's Order which is fair, just and reasonable. No intervention is therefore required with the Order passed by the FAA. The Appellant has admitted he has received all the information as such nothing survives in the Appeal which is devoid of merit and is accordingly dismissed.

11. All proceedings in the Appeal case 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.

Sd/-

(Juino De Souza)
State Information Commissioner