

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

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**Appeal No. 17/SIC/2014**

Shri Atmaram Naik,  
R/o H.No. 161/27/LL27,  
Maimollem, Vasco Goa.

..... Appellant

**V/s.**

1. The Mamlatdar of Mormugao/(PIO)  
Office of the Mamlatdar, of Mormugao  
Maimollem, Vasco Goa.

..... Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 11/02/2014**  
**Decided on: 12/12/2016**

**ORDER**

1. The appellant Shri Atmaram Naik here in by an application , dated 12/08/13, filed u/s 6(1) of the Right to Information Act 2005 sought information from PIO , Mamletdar of Mormugao regarding the number of applications under Mundakar declaration filed before the Joint Mamlatdar from 1/3/11 till 30/6/2013 and the case number of each of the application filed alongwith the date of hearing in each of the matter from date of filing till 30/6/2013.
2. The Respondent PIO by the reply dated 11/09/2013 called the appellant to collect the information on payment of necessary fees during the office hours.
3. Accordingly the appellant went to the office of Respondent on 19/9/13 to collect the copies but it was informed that the concerned clerk is on leave and to come on some other day. That the appellant again visited the respondent's office on 26 /9/13 and was again informed that the information is not ready and the

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letter was issued by mistake. The appellant immediately issued letter dated 26/9/13 to PIO in-corporating above facts which was duly notarized before the notary. Vide said letter he has further requested to take necessary action in the matter. The copy of the said letter annexed to the memo of appeal shows that the same was inwards in the office of Mamlatdar on the same date i.e. on 26/9/13 .

4. As the respondent PIO failed to respond and furnish the document within the prescribed time framed, the appellant filed first appeal u/s 19(1) of the Right to information Act 2005 before the first appellate authority i.e the Deputy collector/SDO , Vasco Dagama Goa. The first Appellate authority passed an order on 30/10/2013 allowing the appeal of the appellant and thereby directed to the respondent PIO to furnish the required information requested vide his application dated 12/8/13 within four days free of cost.
5. The appellant then approached the Respondent PIO to collect the information but the concern clerk asked the appellant to make the payment of fees which was contrary to the order of first appellate authority and hence appellant by an letter dated 5/11/2013 brought to the notice of PIO that regarding the demand of fees made by the clerk was totally illegal and the against the order of the First appellate authority. The respondent vide their letter dated 6/11/13 informed the appellant to collect the information but denied some of the information in respect of point 2 part II on the ground that it does not attract the provision of RTI Act 2005.
6. Since the order of First appellate authority was not complied in toto by the Respondent No. 1, the appellant approaches this commission with present appeal on 11/2/13 with a prayer for direction to furnish the information and to take/initiate action u/s 20 of the Right to Information Act 2005.

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7. The notice were served to the appellant as well as Respondent PIO. During the hearing the appellant was present in person and Respondent No. 1 was represented on some occasion by Mrs Rebello and some of the dates of hearing by Shri Kundan Gadekar. During the hearing on 29/7/2016 the representative of Respondent No. 1 PIO Kundan Gadekar furnished the information to the appellant. The appellant was directed to verify the information before the next date of hearing and to informed accordingly to the commissions. On subsequent date the appellant submitted that the information furnished to him was as per his requirement and for his satisfaction . However he disputed the content of the information given at serial No. 2.
8. The reply came to be filed on behalf of Respondent PIO on 28/9/16 wherein he had raised the issue of limitation. The reasons has been assigned by the appellant for the delay. However as the same is not supported by the document the appellant was directed by this commission to file an affidavit on record . Despite of giving opportunities the appellant failed to place on record the affidavit nor remained present before this commission. However since the delay was negligible, in the interest of justice the same was condoned.
9. The PIO Shri Laxmikant Desai submitted their reply may be treated as their argument.
10. I have perused the records available in the file.
11. The appellant vide his letter dated 26/09/13 by exercising due diligence send a reminder to PIO for finishing the information. In the said letter he had also made reference of he visiting the office of PIO on 19/9/13 and he was sent back on the pretext of clerk being on leave. The letter also reflect that the subsequently also he went to collect the information on 26/9/13 and it was inform to him that the same is not ready and the letter of intimation is

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sent to him is by mistake. It is contention of the appellant that he filed application u/s 6 on 12/8/2013 and having not received the information within time that there was deemed refusal. It is the contention of the appellant in spite of reminder to the PIO by the appellant, the PIO has failed to furnish the information. Such a conduct of PIO is malafied according to the applicant which has forced him to file first appeal. It is his further contention that in the first appeal filed, the first appellate authority has directed to furnish information at order dated 30/10/13 within four days free of cost. It is the contention of the appellant when he went to collect the information on 4/11/13 the concern clerk asked him to pay the fees for the same and refused to issue the documents. The exhibit (g) that is the letter dated 5/11/13 addressed by the appellant to the PIO incorporates the said facts. Vide said letter the appellant has brought to the notice of PIO the demanding of fees is totally illegal and against to the order of First appellate authority. It is the further contention of the appellant though respondent have received letter dated 6/11/2013 requesting to collect entire information at point no.1 and 2 free of cost they have denied some of the information pertains to dates of hearing on the ground that he does not attract the provision of RTI Act.

12. It is the contention of the PIO that the information was furnished to the appellant except in respect of point 2 (part) and that the appellant is into malafied intention for monetary game with uncleaned hands and to waste the time of the authority has filed the second appeal in spite of receiving information.

**13. Findings**

The records show that the information was not furnished within stipulated time. The records show that despite of bringing to his notice the PIO failed and neglected to furnish the information within time. The copy of the first appellate authority reveals that the day of the passing of the Judgment appellant as well as PIO was

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present and the order was pronounced in the open court. Vide said order the PIO was directed to issue information to the appellant within four days with free of cost. Despite of appellant revisiting on 04/11/13 the concern clerk refused to issue document. The part of the information was only furnished to the appellant on 06/11/13 in pursuant to the reminder letter made by the appellant on 5/11/13. The other part of the information came to be furnished to the appellant only on 29/7/16 during the course of present hearing, that too on the direction of this commission. The PIO has not assigned any reasons for the delay for not furnishing the information within stipulated 30 days time. Though the respondent have submitted in their letter 6/11/2016 that the copy of the order of first appellate authority dated 30/10/13 was received by them on 6/11/13, nothing supporting documents have been placed on records by them to show that the copy was infact received on said date. The Respondent PIO since he was present at the time of passing of the order of First Appellate Authority, he was well aware about the direction issued to him and the grounds taken by him does not comes to his rescue.

14. The application u/s 6 no were reveals that the information was sought in a format. The dates of hearing of each case were within the public domain and could have been given to the appellant and refusal on the ground that the he doesn't attract the provisions Act was not legally proper.
15. The Right to Information Act 2005 has been enacted with the objective to bring transparency and accountability in the working the Government. An empowers the citizens to keep necessary vigil on the instrument of Governments and make the Government more accountable to the Govern. The act is big steps towards making the citizen inform about the activities of the Government. The Mandate of the RTI act is per say to provide information unless exempted u/s 8 of the Act.

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It appears from the records that in pursuant to the compliance of the order of the FAA, the PIO have provided incomplete information to the appellant

16. If the correct information was furnished to the Appellant in the inception he would have saved his valuable time and hardship cause to him in perusing the said Appeal. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. If Respondent No. 1, PIO had taken prompt and given correct information such harassment and detriment could have been avoided.
17. Public Authority must introspect that non furnishing of the correct or incomplete information lands the citizen before FAA and also before this Commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible, therefore some sought of compensation helps in caring this social grief.
18. In the circumstances considering the conduct of Respondent No. 1 PIO I find that the case where the request of Appellant for the grant of penalty and compensation to be genuine as such it would be appropriate that the Respondent No. 1, PIO is directed to give reason as to why the Commission should not impose penalty and compensate as prayed by the Appellant.

In the above given circumstances following order is passed.

- a) prayer b is consider, no intervention is required as the information already furnished to him However liberty is given to the appellant to seek information with regards to same subject matter if he so desires. The other grievances regarding the dispute of contents can be agitated by him before appropriate forum.
- b) Issue notice to Respondent No. 1, PIO to showcause why penalty and compensation should not be imposed on him.

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Respondent No. 1 is hereby directed to remain present before this Commission on 19/01/17 at 3.30. p.m. alongwith written submission showing why cost/ compensation/ disciplinary action should not be imposed/initiated against him. If no reply is filed by the Respondent No. 1-PIO it shall be deemed that he has no explanation to offer and further orders as may be deemed fit shall be passed.

In case the PIO at the relevant time, to whom the present notice is issued, is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO.

Appeal dispose of accordingly.

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