

GOA STATE INFORMATION COMMISSION

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

Appeal No. 02/SIC/2014

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

..... Appellant

V/s.

1. The Public Information Officer, (PIO)
The Director of Health Services,
Campal, Panaji Goa.

2. The First Appellate Authority,
The Director of Health Services ,
Campal, panaji Goa. Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 06/01/2014
Decided on: 30/12/2016

ORDER

1. The present appeal arises out of the order bearing No. DHS/VC/67/146/2013-14/548 dated 02/12/13 passed by the Respondent No. 2 First appellate authority.
2. Vide application dated 8/10/13 addressed to PIO of Directorate of Health Service, Campal, Panaji, Goa the appellant Shri Franky Monteiro had sought certified copies of the information as serial No. 1 to 10 as mentioned therein in the said application .
3. The PIO, vide his reply dated 24/10/13 furnished the information to the appellant. The appellant did no satisfied that he information provided with regards to paras 1,4,5,6,8, and 10 of his application preferred first appeal before Respondent No. 2 First Appellate

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Authority and Respondent No. 2 First Appellate Authority vide his judgment dated 2/12/13 dismissed the appeal.

4. By the present appeal the appellant assails the incorrect and unsatisfactory information was provided to him by Respondent No. 1 PIO and also assails that by judgment passed by Respondent No. 2 First Appellate Authority thereby dismissing the appeal.
5. After notifying the parties the matter was listed on the board and was taken up for hearing. Despite of due services, the appellant failed to appear. Respondent No. 1 PIO Shri Anil Kumar present alongwith Advocate A. Talaulikar and Respondent No. 2 was represented by Rita Dias.
6. Reply came to be field by respondent No. 1 PIO on 7/11/14 and also 14//6/16 disputing that incorrect and unsatisfactory information was provided by them .
7. On account of continuous absent of appellant the commission has no other option then to hear the arguments of the Respondents .
8. Advocate for Respondent No. 1 submitted that correct information was furnished to the appellant vide their letter dated 24/10/13 by Registered A.D and he placed on record the A.D. Copy the postal acknowledgement which was dispatched to Shri Franky Monteiro.
9. I have perused the records and proceedings. The appellant challenges the action of PIO for not furnishing the correct and complete information.
10. On perusal of the records it is seen that reply was filed by the Respondent Public Information Officer on 24/10/13 answering all his queries 10. Since the appellant have contended the false and incomplete information was provided to him , the onus was on him to prove the same or that the information was malafidely denied to him. By continuous absence of the appellant and failure

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to produce any evidence in support in his case the Appellant thereby has miserably failed to discharge his burden. It appears that he is not interested in the present proceedings and such not made himself available before this commission to substantiate his case .

11. On the contrary the Respondent No. 1 PIO have showed his bonified in furnishing the information with in a specific time limit.
12. The Hon'ble High Court of Bombay in writ petition No. 205/2007, Shri A.A. Parulekar V/s Goa State information commissioner and other in relevant para 11 has held

The order of penalty for failure is akin to action under criminal law it is necessary to ensure that the failure to supply the information is either intential or deliberate.

13. If one apply this ratio and for the reasons discussed above I am of the opinion that the appellant have miserably failed to substantiate his case that incorrect and incomplete information was provided to him intentially or deliberately.

Hence the appeal dismissed .

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 against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

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

