

**GOA STATE INFORMATION COMMISSION**

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

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**Appeal No. 03/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.

..... Respondent

**CORAM:**

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

**Filed on: 06/01/2014**

**Decided on:30/12/2016**

**ORDER**

1. The appellant Shri Franky Monteiro is exercise of his Right u//s 6(1) of RTI Act 2005 had sought information at point NO. 1 to 10 vide his application dated 13/8/13 from PIO of Directorate of Health Services , Campal, Panaji Goa.
2. The Respondent PIO of Directorate of Health Services transferred the same application U/s 6(3) of RTI Act 2005 to Health Officer, Primay health center, on 14/8/13 .
3. The Respondent No. 1 PIO herein vide his dated 2/9/13 furnished the information as serial No. 1 and 2 which was satisfactory to the appellant.
4. The medical officer Primary Health Center also vide their letter dated 5/9/13 provided information in respect to paras 3 to 10 of his application.

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5. Being not satisfied with information provide by him with para 3 to 10 by the medical officer primary health centre , the appellant preferred an appeal before the First appellate authority on 12/9/13 on the ground that the information sought by him was pertaining to the office of Respondent PIO and that he ought to have provide information under the RTI Act and that the Respondent PIO should not have transfer the said application u/s 6(3) of the RTI Act.
6. The first appellate authority by an order dated 30/9/13 allowed the appeal and directed the PIO,DHS to give all information at point 3 to 10 of his RTI Application within 15 days with free of cost.
7. The Respondent PIO in compliance with the order of First appellate authority provided information to the appellant vide their letter dated 14/10/13.
8. Being not satisfied with the information provided to him in compliance of the order of First appellate authority, the appellant approach as this commission by way of second appeal u/s 19(3) on the ground that Respondent have deliberately provide incorrect and incomplete information to shelter illegal acts committed by Primary Health Centre.
9. In pursuant to the notice of this commission, the appellant opted to remain absent. Respondent No. 1 PIO Shri Anil Kumar present alongwith Advocate A. Talaulikar.
10. Reply came to be filed by Respondent No. 1 PIO on 7/11/14 disputing that incorrect and unsatisfactory information was provided by them to the appellant.
11. On account of continuous absence of appellant the commission had no other option then to hear the arguments of the Respondents.

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12. Advocate for Respondent No. 1 submitted that due correct information was furnished to the appellant vide their letter dated 14/10/13 by Registered A.D and he placed the record the A.D. Copy the postal acknowledgement which was dispatched to Shri Franky Monteiro. And submitted that the appellant is not clear and specific as regards to information which the appellant claim was not satisfactory and that he failed to point out with regards to incorrect and incomplete information was not provided to him Advocate for the Respondent denied that he deliberately provided the incorrect and incomplete information.
13. I have perused the records and proceedings . The appellant challenges the action of PIO for not furnishing the correct and complete information.
14. On perusal of the records it is seen that reply was filed by the Respondent PIO on 7/11/14 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 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 .
15. On the contrary the Respondent No. 1 PIO have showed his bonified in furnishing the information .
16. 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

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*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 intentional or deliberate.*

17. 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 intentionally 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