

GOA STATE INFORMATION COMMISSION

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

Appeal No. 117/SIC/2014

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

..... Appellant

V/s.

1. The Public Information Officer, (PIO)
The Dy. Director of Panchayats, North,
3rd floor, Junta House,
Panaji Goa.

2. The First Appellate Authority,
The Director of Panchayats,
3rd floor, junta House, panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 07/11/2014

Decided on: 28/12/2016

ORDER

1. Brief facts of the case are that the appellant Shri Franky Monteiro through his application dated 25/4/14 under section 6(1) of the Right to Information Act sought certain information in respect of 2 Point with the PIO office of Chief Engineer, Water Resources Department panajim. The PIO of Water Resources Department panajim transferred the said application of the appellant to the Respondent No. 1 PIO, Dy. Director of Panchayat North u/s 6(3) of the right to Information Act requesting to furnish information directly to the appellant.

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2. The said application filed u/s 6(1) of RTI Act was responded by Respondent No. 1 PIO on 16/05/2014 and furnished the information to the appellant .
3. Being not satisfied with the reply of the Respondent. 1 PIO, he preferred first appeal u/s 19(1) before the before Director of Panchayat, being First appellate authority on 03/6/14 and the Respondent No. 2 FAA by an order dated 12/8/14 disposed the first appeal thereby dismissing the same .
4. Being aggrieved by the order of First appellate authority and also being aggrieved by the action of Respondent No. 1 PIO the present second appeal came to be filed on 7/11/14 praying for the direction to provide the requisite information as sought by him vide his application dated 25/4/14 and also for invoking penal sections.
5. After notifying the parties the matter was listed on board and was taken up for hearing . Appellant despite of due service remained absent Respondent No.1PIO was represented by APIO Shri K.D. Halenker. Reply came to be filed on behalf of Respondent No. 1 PIO on 21/3/16. And on behalf of Respondent No 2 FAA on 12/4/16.
6. During the hearing the representative of Respondent No. 1PIO Shri K.D. Halenker showed his willingness to furnish the information to the appellant by registered A.D. and also volunteered to furnish the compliance report and sought leave to produce on record the acknowledgement cards of the appellant of having received the said information. He further submitted that the date of hearing of 26/10/16 was intimated to the appellant in the forwarding letter by which the information was furnished .

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7. An opportunity was given to the appellant as well as Respondent PIO and FAA to substantiate their case. However since the parties failed to appear and as no compliance report and postal acknowledgement cards was placed on record by the Respondent No. 1 PIO, and as the matter being old the commission decided to disposed the appeal on merits based on the records .
8. The PIO Respondent NO. 1 has not specified the mode by which the said information was furnished to Appellant or produced any acknowledgment on record of having received the required information by the Appellant. In the absence of any such acknowledgement, Commission is reluncted to believe and consider the plea taken by the Respondent No. 1, PIO.
9. With regards to other prayers since the appellant has not appear before this commission to substantiate his case as against both the Respondents, it appears that he is not interested for proceedings with the matter. As the appellant have failed to exhibit, that Respondent No. 1 PIO have malafidely refused or furnished the wrong information this commission is declined to grant any relief as prayed by the appellant at prayer (c) (d), and (e).

In the above given circumstances following order is passed.

Order

The Appeal is partly allowed. The PIO, shall furnish to the appellant. the entire information as sought for by the Appellant vide his application, dated 25/4/14 within fifteen days from the date of receipt of this Order. The information shall be sent by Registered Post A.D. free of cost. The acknowledgement so received after service shall be produced before this Commission.

Appeal dispose of accordingly proceeding closed.

Notify the parties.

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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