

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

Appeal No. 09/SCIC/2016

Mr. Oscar Gomes,
H. No.92/A, Novangully,
Varca, Salcete-Goa.

..... Appellant

v/s

- 1) The Public Information Officer,
Village Panchayat of Varca,
Varca, Salcete–Goa.
- 2) The Block Development Officer,
Mathany Building,
Margao, Salcete –Goa.

..... Respondents

CORAM

Shri Prashant S.P. Tendolkar, State Chief Information Commissioner,
Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on 07/01/2016
Decided on: 22/06/2016

ORDER

Facts

1) By an application dated 15/07/2015 the appellant has sought for information at point No.1 to 9 regarding the water well belonging to Mrs. Dinazette Gomes and also concerning his soak pit/septic tank. The said application was replied by the Respondent No.1, PIO on 16/08/2015 giving him the information to queries at Sr. NO.1 to 8. Being not satisfied with the reply of the Respondent No.1, PIO the appellant filed 1st appeal under section 19(1) before Block Development officer being FAA on 24/08/2015. The Respondent No.2 FAA, by order dated 09/09/2015 directed PIO to provide information to the appellant free of cost within 7 days, in respect of point No. 9 of the application dated 15/07/2015 of the appellant.

...2/-

- 2) Since the order of the Respondent No.2 FAA was not complied, and being aggrieved by the order of the FAA the present appellant filed this 2nd appeal before this Commission and has prayed to issue necessary directions to Respondent No.1 PIO to give appropriate reply/information to his queries at point No. 1 , 8 and 9 and also prayed for compensation.
- 2) After notifying the parties, the matter was listed on board and was taken up for hearing. During the hearing appellant was present in person and respondent NO.1 Shri Joaquim Rodrigues was present. Reply was filed by Respondent No. on 11/05/2016 submitting that in pursuant to the order passed by the FAA, dated 09/09/2015 information sought by the appellant was furnished to him vide letter dated 10/09/2015 and by the earlier reply dated 16/08/2015.
- 3) On subsequent date, the PIO submitted additional information on going through the same the appellant submitted that he is satisfied with the information pertaining to Sr. Nos. 5, 8 and 09. The PIO showed his willingness to furnish him the additional information to queries at Nos. 6 and 7. Since the information at point No. 6 and 7 was not fully furnished respondent No.1 PIO was directed to furnish the information at point NO. 6 and 7 and to file compliance report.
- 4) The respondent No.1 filed compliance report on 21/06/2016. Also informing this Commission that as per the oral direction given to this Commission information at point No.6 and 7 of the application dated 15/07/2015 of the appellant is furnished to him on 16/06/2016 by Registered A/D and the applicant received the same and the copy of the information and the acknowledgement was enclosed to the compliance Report.

Findings:

6) On going through the information provided to appellant it is seen from the memo/compliance report, dated 22/06/2016 and the copy of the letter dated 15/06/2016 that the queries at point No.6 and 7 are answered by the Respondent No.1 PIO.

7) Written argument were filed by the appellant on 22/06/2016 and prayed for necessary orders to answer the questioner at point No.1 and 8 and also for compensation and cost. On going through the application u/s 6 of the Act it is seen that some of the queries therein were not specific and hence is explained accordingly. The PIO who is present today volunteer to cooperate with the appellant to furnish any further information. Appellant accordingly volunteered to wave the cost and compensation due to the laps of PIO being for the 1st time and that in case of repetition he shall claim further cost. We find this gesture of the appellant as fair and considering the circumstances and bonafides of PIO in furnishing information, we disposed this appeal with the order as under:

ORDER

- a) Appeal is disposed without prejudice to the right of the appellant to seek any further information from the PIO at any time he chooses and the PIO shall furnish the same to the appellant promptly.
- b) Any laps on the part of PIO in furnishing information without any justification, shall be viewed seriously.
- c) No order as to cost and compensation.

No further appeal is provided against this order under the Right to Information Act.

Pronounced in the open Court in the presence of both the parties.

Proceeding closed.

Sd/-
(Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

Sd/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji-Goa