

GOA STATE INFORMATION COMMISSION

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

Appeal No. 103/SCIC/2015

Shri I. S. Raju,
H. NO.706, A, Acsona
Benaulim, Salcete-Goa.

... Appellant

V/S

- 1) Public Information Officer,
Dy. Director (HIB),
DHS, Panaji –Goa.
- 2) The Public Information Officer
Primary Health Centre,
Cansaulim-Goa.
- 3) The Public Information Officer,
Urban Health Centre,
Margao-Goa.
- 4) The First Appellate Authority,
Director of Health Services,
Campal, Panaji –Goa.

... Respondents

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

Filed on : 11/9/2015
Disposed off: 04/01/2017

1) FACTS:

a) The appellant herein by his application, dated 28/5/2015, filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.3, Dy. Director, HIB, Panaji seeking information.

b) The said application was transferred on 1/6/2015 to respondent PIO, PHC Cansaulim u/s 6(3) of the act.

c) The PIO by letter, dated 3/6/2015 informed the appellant that the application is not legible and that he should file a legible application.

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d) The appellant wrote back to the PIO that the information as sought for, is not provided and that it should be done, which was again replied by the PIO with the same reason.

In the meantime the PIO wrote to Collector, South Goa complaining that the appellant is filing illegible applications to harass the PIO etc. but such correspondences have no relevancy in the present proceedings.

e) As the information was not received the appellant, by his appeal dated 1/7/2015, sought the order from the first appellate authority(FAA) who by his order dated 30/7/2015 dismissed the appeal with liberty to the appellant to file legible application.

f) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

g) Notices were issued to the parties, pursuant to which they appeared. The PIO on 30/10/2016 had filed a reply to the appeal affirming the ground of refusal of information. The respondent no.1 has also filed the reply supporting their stand.

The appellant sought the leave of absence from his personal appearance before the commission.

2. FINDINGS:

a) We have perused the records, and also the contention of the parties in the present case the PIO has, in fact, not denied the information but has informed the appellant that as the application for information is illegible, a legible copy should be furnished so that the required information can be dispensed. The appellant has taken the said request as denial and has approached the FAA in appeal.

b) The FAA also in the course of the appeal found the said application filed u/s 6(1) as illegible and has granted liberty to appellant to seek information by filing a legible application.

c) We have perused the application filed u/s 6(1) of the act by appellant, which is attached to the appeal memo. Firstly the said application, though states that he is enclosing the copies of the orders passed by the commission with reference to which the application was filed, no such enclosures are found to the said application attached to this memo. We are therefore handicapped to know the exact nature of information that is sought.

d) Be that as it may, if one peruses the application itself the same is a carbon copy of a hand written text. Being a carbon copy the letters have become lighter and the hand writing is also illegible.

On further perusal of the said application it is seen at para (d) that the appellant has sought information pertaining to an order, dated **8/10/2011**, in respect of an appeal filed in 2012 which is not a possibility. Thus we find absurdity and ambiguity in the application. Besides that the application is also illegible.

e) Considering the above facts We do not find any illegality or impropriety on the part of the PIO or the first appellate authority in their response/ orders passed by them. The PIO has not denied the information and hence the question of any action by invoking penal provisions under the act are unwarranted.

f) Considering the above circumstances we dispose the present appeal with the:

O R D E R

The appeal is dismissed. The order of the first appellate authority, dated 28/7/2015 is upheld. The appellant is granted liberty to file fresh legible application under section 6(1) of the Act, if he wish so.

Notify the parties.

Proceedings closed.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)

State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa

Sd/-

(Ms. Pratima K. Vernekar)

State Information Commissioner

Goa State Information Commission

Panaji-Goa