

GOA STATE INFORMATION COMMISSION

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

Appeal No. 42/SCIC/2015

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

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Appellant

V/S

1) Public Information Officer,
Primary Health Centre,
Cansaulim-Goa.

2) The First Appellate Authority,
Director of Health Services,
Campal, Panaji –Goa.

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Respondents

CORAM : Shri. Prashant S. P. Tendolkar State Chief Information
Commissioner

Smt. Pratima K. Vernekar, State Information Commissioner,

Filing : 10/04/2015
Dispose on 16/12/2016

1) **FACTS:**

a) BY application, dated 20/02/2014 filed under section 6(1) of The Right To Information Act (Act),the appellant sought information as to what disciplinary action was taken against one Peter Alvares and Dr. Adgar Menezes pursuant to his complaint.

The reply was given by PIO on 19/03/2014 that the disciplinary proceeding against said Mr. Peter and Dr. Adgar were in progress.

By another application dated 20/10/2014 appellant sought for copy of the explanation given by one Dr. A. Jaiswal. The copy of the explanation from Dr. Jaiswal dated 27/04/2014 was furnished.

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b) Being not satisfied with the information, appellant preferred first appeal on 10/11/1014 which was disposed on 12/02/2015 holding that the information as sought as furnished.

c) The appellant has filed this second appeal before this Commission. Parties were notified and they remained present. The appellant initially appeared but later opted to remain absent.

2) FINDINGS:

a) We have perused the record and also the rely filed by PIO. By his first application dated 20/2/2014 the appellant has sought for action taken report against Mr Peter Alvares and Dr. Adgar Menezes. It was replied on 19/03/2014 that the disciplinary proceedings are in progress .

b) The appellant has objection to the said information stating that no report is furnished to him.

c) The information sought is supplied by informing that the disciplinary proceeding is in progress. The final verdict of the proceeding being not in existence cannot be held as the available information.

d) Similarly, in reply to the second application the appellant has been furnished with the copy of the explanation given by Dr. A. Jaiswal. According to appellant said reply is false.

e) The veracity of the reply filed in reply to notice is an issue beyond the act. The PIO can furnish the reply itself as the information. He is not the authority to vouch the veracity or authenticity of the reply. Presuming for a while that the contents of reply are false the same cannot be ground to hold that the

information furnished is false or misleading etc. what was sought and what the appellant is entitled to is to have the copy of the reply as is filed. The appellant having received copy is not entitled for anything further.

f) In the aforesaid circumstances the First Appellate Authority has rightly held that the information is already handed. We find no illegality or infirmity in the said order. In the above circumstances we dispose off the present appeal with the following :

ORDER

The appeal is dismissed. Parties to be intimated.

Pronounced in the open proceedings .

Proceedings closed.

(Mrs. Prashant S. Prabhu Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

(Ms. Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission
Panaji-Goa