

2. The reply was filed by the Respondents No. 2 and arguments were heard. In his arguments, the PIO Submitted that the order passed by the FAA is bad in as much as the information as sought was exempted under section 8(1)(h) of the Act as the inquiry was going on against the respondent no.2. Hence according to him the said order of the FAA is required to be set aside. On the other hand the respondent no.2 has challenged the locus standee of the appellant to challenge the order of First Appellate Authority.
3. As the appeal is filed by the PIO, before we deal with the merits of the appeal, the maintainability thereof is required to be considered. For the purpose of second appeal it would be necessary to consider the role of the FAA under the Act and the order passed by such authority. Section 5 of the Act makes it mandatory for every public authority to designate any officer as the PIO. The Act under section (19) further, provides that any person who does not receive any decision or is aggrieved by the decision of such Public Information officer shall file an appeal to such officer who is senior in rank to the PIO. Thus the first appellate authority, in its designation is a senior officer to the PIO and is also an appellate authority.

Analogy of this hierarchy can be equated under the judicial set up. PIO is under the act acting as the trial court and the FAA as an appellate Court under the RTI Act. PIO who is thus an authority to furnish the information has no authority to challenge the order passed by his senior officer in an appeal. What is available to the PIO in the present circumstances is

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only to abide by the order of the appellate authority, as otherwise it would amount to the challenge of the appellate court by a trial court. PIO cannot have any personal interest in the issue and hence cannot be said to be an aggrieved party.

4. The appeal before this Commission is filed by PIO against the decision of FAA. PIO is the information provider, and not the seeker of the information. Section 19 (3) Act, deals with the appeals and the above provisions are made in the interest and for the benefit of information seeker. There is also no provision in the Act to consider such Appeals filed by PIO's against the order of FAA as the very purpose of this Act is to provide the information. The Appellant could not point out any provisions under which they came in appeal against the Order of First Appellate Authority (FAA).
5. In the aforesaid circumstance we are of the opinion that the order passed by the FAA does not give any scope to the PIO to challenge the order passed by his senior to the second appellate authority. In the circumstances we hold that the second appeal is not maintainable as the PIO has no locus standie to challenge the said order of his senior officer i.e. the FAA.
6. In view of above the Appeal being not maintainable, is dismissed. Proceeding stands closed.

Notify the parties.

Authenticated copies of the Order shall 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/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa

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

