

GOA STATE INFORMATION COMMISSION

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

Appeal No. 04/SIC/2014

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

..... Appellant

V/s.

1.The Public Information Officer,(PIO)
The Medical Officer,
Primary Health Centre,
Loutulim, Salcete, Goa.

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

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 07/11/2014
Decided on:26/12/2016

ORDER

1. By an application dated 7/10/13 the appellant Shri Franky Monteiro had sought various information under the RTI Act pertaining to Challan/ Inspection report dated 8/6/13 issued in the name of Franky Monteiro from PIO , Office of Primary Health Centre Loutlim Salcete Goa .
2. By letter dated 31/10/13 the Respondent No. 1 PIo duly replied to his all query with in 30 day to his RTI Application.
3. Being not satisfied with the reply of PIO, he filed first appeal before First appellate authority Respondent No. 2 on 8/11/13 and the

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Respondent No. 2 FAA by an order dated 2/12/13 partly allowed the appeal and thereby directed the Respondent NO. 1 PIO to provide information to point No. 5,6,and 12 to the appellant within 15 days from the date of the receipt of the judgment free of cost.

4. The Respondent No. 1 PIO in compliance of the order of Respondent No. 2 FAA provided the information vide their letter dated 13/12/13.
5. Being not satisfied with the information and as the appellant claimed that information pertaining to paras 5, 6, and 12 provided in compliance to order of Respondent No. 2 First Appellate Authority is incorrect and unsatisfactory and also claimed that the Respondent No. 2 First Appellate Authority have passed order not in accordance with law, hence the present appeal came to be filed before this commission, on 06/01/14, praying for appropriate action against Respondents u/s 20(1), u/s 20(2) of the RTI Act 2005, and the direction to the Respondent to provide the information in respect paras 2,4,5,6,9,10,11,12,13,14,and 16of the application .
6. After notifying the parties the mater was listed up on board and taken up for hearing. Appellant remain absent through out despite of due service Respondent No. 1 PIO was represented by Dr. Jude D'Souza and respondent No. 2 First Appellate Authority was represented by Smt. Rita Dias.

The records shows the reply was filed by Respondent No. 1 PIO on 7/11/2014.

7. An opportunity was given to the appellant to present his case and thereafter the matter was fix for argument on 17/11/16. However as the appellant remained absent, the commission had no other

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option then to hear the argument of the Respondent. The Respondent NO. 1 submitted that is earlier reply dated 7/11/14 may be treated as argument .

8. I have perused the records and proceedings . The appellant challenges the action of PIO for not furnishing him the correct and complete information.
9. on perusal of the records it is seen that reply was filed by the Respondent PIO on 31/10/13 answering all his queries. Additional information was also provided by the Respondent No. 1 PIO on 13/12/13 in pursuant to the order of respondent No. 2 First appellate authority.
10. Since the appellant have herein contended that the false and incomplete information was provided to him the onus was on him to prove the same or that the information was malafidely denied to him. By continuous absence of the appellant and failure to produce any evidence in support in his case, the complaint thereby has miserably failed to discharge his burden . It appears that he is not interested in the present proceedings and such not made himself available before this commission to substantiate his case .
11. On the contrary the Respondent No. 1 PIO have showed his bonified in furnishing the information with in a specified time limit
12. The Hon'ble High Court of Bombay in writ petition No. 205/2007, Shri A.A. Parulekar V/s Goa State information commissioner and other in relevant para 11 has held

"The order of penalty for failure is akin to action under criminal law it is necessary to ensure that the failure to supply the information is either intential or deliberate".

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- 13 If one apply this ratio and for the reasons discussed above I am in the opinion that the appellant have miserably failed to substantiate his case that incorrect and incomplete information was provided to him intentionally or deliberately.

Hence the appeal dismissed .

Notify the parties

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 against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

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