

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

CORAM: Shri Juino De Souza State Information Commissioner
Complaint no.23/SIC/2012

Engr. Rabindra A. L, Dias,
Cujira, St. Cruz,
Tiswadi – Goa.

..... **Complainant**

v/s

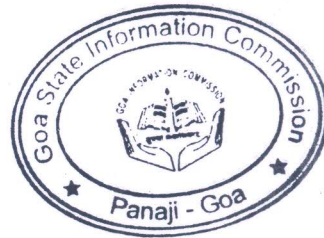
The PIO,
Office of the Suptdg. Surveyor of Works,
Public Works Department,
Altinho, Panaji – Goa.

..... **Respondent**

Relevant emerging dates:

Date of Hearing : 20-07-2016

Date of Decision : 20-07-2016



ORDER

1. Brief facts of the case are that the Appellant had sought certain information from the Respondent PIO, vide his application dated 29/11/2011, the said information is voluminous and pertains to 39 different points in the nature of information under section 4 and the appellant has also asked for certified Xerox copies and Sou Motu inspection record from the PIO O/o Superintending Surveyor of works, Altinho.
2. It is the case of the Complainant that he received letter No. 4-1-05/SSW-RTI/11-12/400 dated 05/12/2011 from A.G. Daiwajna, Surveyor of Works-II stating that the PIO for all offices of PWD located in the Head Office at Altinho, Panaji is Dy. Director of Administration, Office of the Principal Chief Engineer, PWD and that the RTI application was returned back.
3. The Complainant send two letters dated 12/12/2011 and 09/01/2012 to the said A.G. Daiwajna stating that it is apparent that the said reply was sent in the capacity of the PIO and failing to receive any further reply the Complainant has come before the commission in a direct Complaint on 30/01/2012 against A.G. Daiwajna for intentionally refusing information.

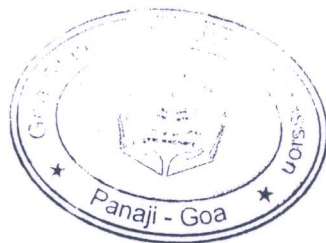
4. During the hearing the Complainant is absent despite notice. From the record of the roznama it is seen that he has remained absent on 11/04/16, 11/05/16 and 20/07/16. The Representative of the Respondent PIO Shri Salim Nazir who is present in person submits that the Complainant had filed the Complaint against Shri A.G. Daiwajna in his personal name when the said person was not even the PIO that such Complaint is not maintainable.
5. The Representative of the PIO further submits that the Complainant was working with the Public Authority, PWD Department and was the office colleague of Shri A.G. Daiwajna who has since retired and that in good faith had sent a reply dated 05/12/2011 informing the Complainant that the PIO is the Dy. Director Administration and instead of applying the right correctives has taken an offence and filed the Complaint against Shri A.G. Daiwajna under the garb of deemed refusal only as harassment.
6. The Commission on scrutiny of the records finds that there is a written declaration which was submitted to the commission and taken on record during the last hearing held on 11/05/2016 by Shri A.G. Daiwajna as the First Appellate Authority stating that he was not the PIO during the year 2011 when the complainant had sought information under RTI application dated 29/11/2011.
7. It is further stated in the written declaration that the Complainant was his office colleague and as such in good faith sent him a reply on 05/12/2011 so that he would apply to the correct PIO as the PIO was the Dy. Director of Administration, o/o Principal Chief Engineer, PWD.
8. It is also stated in the said written declaration that the Complainant instead of complying sent a strong letter dated 12/12/2011 alleging that the reply is deemed refusal and also another letter dated 09/01/2012 making further allegations that the reply is sent in the capacity of a PIO.
9. The Commissions observes that the said Shri A.G. Daiwajna had in good faith sent a letter dated 05/12/2011 to the Complainant who was his office colleague and as such has not faulted in any way. It is the Complainant who instead of acting on the letter and applying the right correctives by filing his RTI application with the right PIO who is the Dy. Director of Administration, o/o Principal Chief Engineer, PWD. has without justifiable reason taken an offence at receiving such letter and made it a prestige issue by filing a Complaint which is unwarranted.

10. It is seen that the Complainant has also not exhausted the remedy of First Appeal but has filed a direct complaint and that too in the personal name of Shri A.G. Daiwajna who was not the PIO. Further as **per Chapter VI section 21 of the RTI Act 2005--Protection of action taken in good faith** it is clear that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
11. The Commission comes to the conclusion that no fault lies with the reply of Shri Shri A.G. Daiwajna who has acted in good faith and rendered service to an office colleague by timely informing the Complainant in his reply dated 05/12/2011 about the correct office of the PIO. The Complaint is devoid of any merit and accordingly stands dismissed.

All proceedings in the Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sdt

(Juino De Souza)
State Information Commissioner



M/S