

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji –Goa.
CORAM: Shri Prashant S. P. Tendolkar
Chief Information Commissioner
Smt. Pratima K. Vernekar
State Information Commissioner

Complaint No.17/SCIC/2016

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.II,
Khorlim Mapusa.

.... Complainant

V/s

1)The First Appellate Authority,
The Chief Officer (Shir Raju Gawas),
Mapusa Municipal Council,
Mapusa –Goa.

.... Respondent No.1

2)The Public Information Officer,
The Main Engineer Grade – (Husseini Shah Muzawar),
Mapusa Municipal Council,
Mapusa-Goa.

.... Respondent No.2

Filed on : 24/02/2016

Disposed off: 27/07/2016

FACTS:

a) The Complainant herein by his application, dated 29/10/2015 sought certain information from the Respondent No.2 raising 9 queries therein. The said application was not at all responded by the PIO within the stipulated time and hence the Complainant filed first appeal to the respondent No.1.

b) The First Appellate Authority (FAA) failed to dispose the appeal within stipulated period and hence the complainant has approached this commission by this complaint.

c) Notices were issued to the parties, pursuant to which they appeared. The PIO on 04/04/2016 filed a reply to the appeal annexing thereto letter addressed to the Complainant being the information as applied by him by his said application, dated 29/10/2015 filed u/s 6(1) of the Act. The said annexed letter is dated 01/04/2016.

...2/-

d) Arguments were heard. The Complainant filed his arguments in writing as his reply.

FINDING

a) We have perused the records and considered the arguments of the parties. The initial application, filed under section 6(1) of the Act is dated 29/10/2015 and is filed in the office of Public Authority on the same date.

b) Under section 7 (1) the PIO was required to reply the same with the information or by giving reasons for refusal within 30 days from 29/10/2015. We do not find any such reply on record given by the PIO. A perusal of the reply filed by Respondent No.2 in this appeal also does not disclose that any such reply, with or without information was furnished to the Complainant within the stipulated time. Being so it appears Prima facie that the PIO has not given a response to the request of the Complainant for information within the time limit specified under the Act.

The Complainant, on account of inaction of the PIO had to file the first appeal with the Respondent NO.1. The said appeal was filed on 10/12/2015. It is the contention of the Complainant in the memo of complaint that no order is passed in the first appeal.

c) By way of furnishing information the PIO Respondent No.2 has filed copy of the letter, dated 01/04/2016 addressed to the Complainant. The said information is dealt with by the Complainant in his written reply according to him the information as furnished to his query Nos. 1, 3 to 9 are incorrect. Such a stand requires justification from the complainant and he has to prove the same. However being a complaint we are unable to consider the prayer for furnishing the information. Such a prayer can be granted in the appeal if filed by the complainant herein.

d) However on perusal of the records and the reply filed by the respondent no.1 we find that the application u/s 6(1) of the act was received by PIO on 29/10/2015. The query relating to another public authority was forwarded to such office on 18/11/2015. The PIO has not responded to the rest of the queries of the complainant within stipulated time of thirty days. The PIO comes with a reply on the queries only on 1/4/2016. Thus prima facie it appears that the PIO has violated the requirements of section 18(1(c) of the act.

We therefore dispose the present complaint with the following:

O R D E R

PIO to show cause as to why penalty as contemplated under section 20(1) and/or action as contemplated u/s 20(2) of The Right to Information Act 2005, should not be initiated against him. Reply to be filed by the PIO on 19/09/2016 at 10.30 am.

Copy of the order to be furnished to the parties free of cost.

Pronounced in the open proceedings.

Copy of the order to be furnished to the parties free of cost.

Pronounced in the open proceedings.

Sd/-
(Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

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

