

GOA STATE INFORMATION COMMISSION

Kamat Towers, Seventh Floor, Patto, Panaji, Goa

Complaint No.570/SIC/2010

Shri Ajit S. Porob,
Shashi Sadan,
H.No.133/3, Palmarwado,
Pomburpa-Bardez-Goa.Complainant

V/S

1. Public Information Officer
Chief Officer,
Ponda Municipal Council,
Ponda Goa. Opponent

CORAM :

Shri Prashant S.P. Tendolkar, State Chief Information
Commissioner,
Smt. Pratima K. Vernekar, State Information Commissioner,
Shri Juino De Souza, State Information Commissioner.

DISPOSED ON: 27/05/2016

FACTS:

1. Brief fact of the case are the Complainant filed application dated 01/04/2010, under section 6 of The RTI Act, 2005 seeking certain information from PIO , the sole respondent herein.
2. On notifying the parties the PIO filed reply contending that the said application, dated 01/04/2010 was withdrawn by the Complainant vide his application dated 29/04/2010. The PIO filed on record the copy of the said letter dated 29/04/2010.
3. In spite of said withdrawal the Complainant has filed present Complaint seeking information in accordance with his application purportedly dated 12/07/2010 as also for disciplinary proceedings U/S 20(1) and (2) of the RTI Act and for violating section 7 (1) of the Act.

4. The matter was posted for arguments on maintainability of the present Complaint in view of the non filing or first appeal u/s 19(1) Act and Common arguments on such issue were heard. However on the said date the Complainant remained absent. Hence we proceeded with this matter alongwith other matter.

FINDINGS:

5. On going through the records of the case it is found that the present Complaint can be classified as glaring example of misuse or RTI Act. Here Complainant seeks information invoking provisions of Section 6 of the RTI Act by his application dated 01/04/2010. He makes a grievance in this Complaint that the PIO has not provided the information and that he has illegally withheld the information,. In the same breath he seeks punitive action against the PIO. No where he refers that he has withdrawn the application dated 01/04/2010 and makes this Commission to believe that injustice is met to him.
6. It is only through the reply of the PIO that the copy of application dated 29/04/2010 is filed, which throws light on the malafide of the Complainant. In spite of notice by this Commission the Complainant has remained absent. The records thus reveals that the approach of the Complainant is not bonafide. He has approached this Commission with unclean hands.
7. Though the matter is under consideration for its maintainability, if we refer to this case specifically the cause of action for filling the Complaint or even first appeal does not arise. Hence we find that the present Complaint is required to be dismissed. Moreover the Complainant is also not entitled for filling first appeal as he has no cause of action to file even such appeal as his application u/s 6 of the Act was already withdrawn by him.

8. As found earlier, the approach of the Complainant being totally dishonest and beside causing waste of public time this Complaint is required to be dismissed. We therefore proceed to dispose this Complaint with following:

O R D E R

The Complaint is dismissed.

Parties to be intimated.

Pronounced in open Court.

Sd/-

(Shri Prashant S.P. Tendolkar)
State Chief Information Commissioner,

Sd/-

Smt. Pratima K. Vernekar,
State Information Commissioner,

Sd/-

Shri Juino De Souza,
State Information Commissioner.