

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**

Appeal No. 131/SIC/2014

Shri Ganesh S. Kubal,
O/o 2nd floor Patto Center,
EDC Plaza, Panaji Goa.

.....Appellant

V/s.

1. Public Information Officer (PIO) ,
Office Superintendent,
O/o Director General of Police,
Administrative Branch, Police Head Quarters,
Panaji Goa..
2. Superintendent of Police (HQ)/
First Appellate Authority (FAA),
O/o Director General of Police,
Police Head Quarters,
Panaji Goa

....Respondents

Appeal filed on: 09/12/2014

Decided on: 26/07/2016

ORDER

1. Brief facts of the case are that the Appellant Shri Ganesh Kubal through his application dated 14/05/2014 under section 6 of Right to Information Act 2005 (for short RTI Act 2005) has sought certain taluka wise information at point No. 1 to 4 as stated there in for the period from January 2010 to April 2014 with PIO (Public Information Officer), Office of the Director General of Police/R-1 Head Quarters Panaji. Respondent No. 1-PIO(Public Information Officer) by its letter dated 15/05/2014 transferred the said application under section 6(3) of RTI Act 2005 to various PIO's, at Taluka Offices. A copy of the same was sent to the present Appellant. Respective PIO's of the 8 offices of the Talukas informed the present Appellant to deposit respective fees and to collect the information.

2. Being aggrieved by the reply and action of respective 8 PIO's of Talukas the Appellant preferred 1st Appeal before the FAA, Superintendent of Police Headquarters.

The FAA (First Appellate Authority), Superintendent of Police Headquarters Panajim, Goa vide his letter, dated 04/08/2014 forwarded the 1st appeal to Superintendent of Police, North Porvorim, Goa and Superintendent of Police South, Margao-Goa being FAA. A copy of the same said letter was sent to present Appellant.

The FAA of (North Goa) passed an order dated 12/09/2014 and FAA, South Goa (Margao) by an order dated 17/09/2014 dismissed the Appeal and directed the present Appellant to collect the information from their respective Offices after paying the requisite fees. Being aggrieved by the Order of both the FAA the present second appeal under section 19 (3) came to be filed before this Commission on 9/12/2014, on the ground that the transfer of his application to various PIO's within entire State of Goa and transfer of his first Appeal to the FAA of North Goa and South Goa was bad and illegal and prayed for the direction to furnish the information, documents free of cost.

3. The Appellant at para (3) has specified the outward number and date of letters of respective PIO's of different stations made to him concerning his application u(s) 6 of RTI Act interalia informing him the amount of fees to be paid by him for said information. From the said averment itself it could be gathered that all respective PIO's has responded to his application within stipulated time.
4. The grievance of the Appellant as stated at Para (7) is that transfer of his application to various PIO and FAA is bad and illegal. However he has not cited any provision under which it cannot be done

or is bad . He also did not remain present before this Commission to substantiate his case despite of due service. Since information pertains to the year 2010 to 2014 it appears that now he is not interested in proceeding with the appeal.

5. Be that as it may, section 5 of RTI Act speaks about appointment of designated PIO by Public authorities and further at sub clause (3) it states PIO should deal with requests from person seeking information and render reasonable assistance to a person seeking such information. In other words, no Officer other than designated PIO are authorized to deal with RTI applications. The act also does not authorize superior Officer to collect the information from his subordinates and then to provide to information seeker on the contrary duty cast on PIO to do so.
6. In the present case the appellant has filed application to PIO of DGP seeking the information. Such information according to DGP was held by another public authority at Taluka level and hence by exercising the mandate under section 6(3) the office of DGP has transferred the request to concerned PIOs. I find no fault in transferring the said request to concerned PIOs. On account of transfer the disposal of request was to be by the concerned PIOs at Taluka level.
7. Appellant if so desired may collect the information from the respective PIO's after depositing the fees. In the circumstances I decline to grant prayers sought by the Appellant, hence following order is passed:-

ORDER

I hereby direct the respective Public Information Officer to furnish the said information to the Appellant on payment fees as directed by the PIOs.

Proceedings closed.

Notify the parties.

Authenticated copies of the Order 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.

Sd/-

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