

THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Appeal No. 39/SIC/2015

Advocate Ramakant Parulekar,
 Above Neurekar Photo Studio,
 31st January Road, Panaji-GoaAppellant
 V/s

1. Public Information Officer (PIO)
 Under Secretary (GA)-I,
 Secretariat, Porvorim, Bardez-Goa
2. The First Appellate Authority (FAA),
 Joint Secretary (GA),
 Secretariat Porvorim,
 Bardez-GoaRespondents

Appeal filed on: 17/03/2015
 Decided on: 2/06/2017

ORDER

1. Brief facts of the present appeal are as under:-
 The Advocate Ramakant Parulekar by his application dated 4/08/2014 filed under section 6(1) of Right to Information Act 2005 sought certain information as stated therein in the said application from the Public Information Officer (PIO), General Administration Department, Secretariat, Government of Goa, Porvorim-Goa.
2. It is case of the appellant that no reply was received from the PIO within 30 days from the date of filing of the application as such deeming the same as refusal, he preferred 1st appeal before the Joint Secretary (GA), Secretariat, Porvorim-Goa on 7/10/2014 being First Appellate Authority (FAA) who is Respondent No. 2 herein. Respondent No. 2 FAA passed an order on 15/12/2014 after hearing both the parties and directed APIO to conduct the detail inquiry with regards to the dispatch of the reply dated 21/08/2014

as the appellant had claimed that said reply was not received by him.

3. In compliance to the said order of the FAA 15/12/2014, the Respondent PIO vide letter dated 16/02/2015 informed the appellant that the said reply dated 21/08/2014, given under section 7(1) was sent through post on 22/08/2014 by Register A.D. and the copy of the outward registered of central Registry was enclosed to the above letter.
4. Being not satisfied with said reply and as no information came to be furnished to him, he approached this Commission by way of present Appeal on 9/03/2015 thereby praying directions to the Respondent No. 1 PIO for furnishing information as sought by him, for inspection of the records, files, registers, etc and for invoking penal action against Respondent PIO.
5. Matter was listed on board and was taken up for hearing. The notice issued to the appellant was written unserved with endorsement "party shifted not known the address".
In pursuant to the notice Respondent PIO Ms. Varsha Naik was present filed reply on 11/05/2017.
6. I have considered all the available records in the file and also reply of Respondent No. 1 PIO. It is seen from the records that the letter dated 21/08/2014 was made by Respondent No. 1 PIO to the appellant there by requesting the appellant to collect the information from GAD Section (Section III) on payment. This fact was brought to the notice of the Appellant during the hearing before the FAA. There is nothing on record to show that the appellant have made the payment of fees and despite of depositing it the PIO refused to furnish the information.
7. The Reply under section 7 (1) dated 21/08/2014 was also given well within time. The Respondent PIO has also enclosed the copy of the outward register of Central Registry showing the said letter was dispatch to the appellant on 22/08/2014. Besides that no time limit was fixed by the FAA for conducting inquiry and submitting report to the Appellant.

As such no case is made out by the appellant for invoking penal provisions as against Respondent PIO and also for compensation.

8. Since the Respondent PIO had showed her willingness and had called upon appellant vide their letter dated 21/08/2014 to collect the information, I feel the ends of justice will meet with following direction:-

ORDER

The appeal is partly allowed. The Respondent No. 1, PIO is hereby directed to provide the said information as sought by Appellant vide his letter dated 4/08/2014 to the appellant within 10 days after required fees paid /deposited by the appellant.

Other prayer are not granted.

Proceeding stands closed.

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

KK/-