

# GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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Appeal No. 22/SIC/2017

Patrick Lucas,  
H.No. 188/1, Ward No. 3 ,  
Sancoale, Cortalim Goa.

..... Appellant

**V/s.**

1. Public Information Officer  
Medical Supdt. Cum Dy. Director,  
Hospicio Hospital, Margao.
2. The First Appellate Authority (Director),  
Directorate of Health Services,  
Campal panaji Goa.

..... Respondents

**CORAM:**

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

**Filed on: 10/03/2017**

**Decided on: 21/08/2017**

## **ORDER**

1. The appellant , Shri Patrick Lucas submitted an application on 27/10/16 under the RTI Act,2005 seeking certain information as stated therein in the said application concerning Mr. Joel Azavedo and Mr. Denzil Rodrigues regarding Alcohol test carried on them by the doctors at the Hospicio Hospital, Margao, Goa on 12/8/2016 from the PIO , Hospicio Hospital, Margao, Goa. The said information was sought on five points under the RTI Act, 2005.
2. The Respondent No. 1 PIO vide letter dated 14/11/16 issued notices to said Joel Azavedo and Denzil Rodrigues u/s 11(1) of RTI Act . The copy of the said notices were marked to the appellant .
3. The appellant vide his letter dated 9/9/16 raised the objection on the said notice and again requested to furnish the said information as it was needed by him to produce the same before the court in evidence.

4. The said application dated 27/10/16 was responded by the Respondent no.1 PIO on 16/12/16 thereby denying the information to the appellant u/s 8(1) (e), (j) and also by quoting section 7.14 of Indian Medical council notification (professional conduct etiquette and ethics) regulation, 2002.
5. The appellant being not satisfied with the reply of respondent no.1 PIO, filed first appeal on 23/12/16 before the Director of Health services being 1<sup>st</sup> appellate authority who is the respondent no.2 herein .
6. The respondent no.2 FAA partly allowed the said appeal vide order dated 10/1/17. In respect to Point No. 1,2,3,and 5 the said were denied to the appellant by upholding the say of PIO and with respect to point no. 4 it was directed to provide the same if available, free of cost, within seven days from the receipt of the order.
7. Being aggrieved by the order of the Respondent no. 2 FAA dated 10/1/17 the appellant approached this commission by way of this present appeal on 9/3/17 with the prayer primarily for furnishing him information along with other reliefs.
8. In pursuant to the notice of this commission , appellant appeared only during initial hearing and then opted to remain absent. On behalf of Respondent no.1 PIO Smt. Armania furtado appeared and filed the reply on 14/8/17 and on behalf of respondent no.2 FAA Smt. Rita Dias was present . The copy of the reply of the respondent PIO could not be furnished to the appellant on account of his continuous absent.
9. In pursuant to the notice u/s 19(4) Joel Azavedo and Denzil Rodrigues appeared. However no any say/reply was filed by them.
10. During the hearing before this commission representative PIO submitted that the information sought by the appellant is ready and showed her desire to send it to the appellant by registered AD/ speed post .

Accordingly , the PIO filed on record her compliance report on 21/8/2017 of having furnished the information to the appellant.

11. On perusing the reply dated 14/8/17 it is seen that the all the queries of the appellant have been duly replied and answered by the Respondent PIO. Information at point No. 3 it has been submitted by the PIO that the alcohol test blood analysis report have been handed over to concerned police and the copy of the same is not available in their office records. Since the information at point No. 3 is not available with the Respondent No. 1 PIO the same cannot be directed to be furnished . This observations of mine are based on the ratio laid down by The Apex court in civil Appeal No. 6454 of 2011, Central Board of Secondary Education V/s Aditya Bandhopadhaya .

12. However Since the original is with the Verna police, the appellant if so desired can approach the Police for securing the said information. The rest of the information have been duly furnished by the PIO

The appeal disposed accordingly proceedings 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

