

GOA STATE INFORMATION COMMISSION

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

Appeal No. 81/SIC/2015.

Advocate Deepali Gauns,
H.No. 947/1 Kranti Nagar,
Penha De-france, Porvorim Goa.

..... Appellant

V/s.

1. First Appellate Authority,
Director of Mines & Geology,
Government of Goa
Institute Menezes Braganza,
Ground Floor, Panaji Goa.

2. Public Information Officer
Asst. Director of Mines & Geology,,
Government of Goa
Institute Menezes Braganza,
Ground Floor, Panaji Goa

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 28/07/2015

Decided on: 31/08/2017

ORDER

1. In this appeal the appellant Advocate Deepali Gauns challenges the action of the PIO and the first appellate authority of not furnishing the information sought by her by her application dated 26/2/2015 filed u/s 6(1) of the RTI Act. It is the contention of the appellant that the said information was not furnished and she filed an appeal on 7/4/15 with the FAA seeking the same relief. It is the further case of the appellant that no order was passed in the first appeal despite her reminder letter dated 25/6/15. And hence she was forced to approach this commission by way of second appeal on 24/7/15 seeking the similar relief.
2. Parties were duly notified. In spite of service of notice the appellant remain absent Respondent No. 2 PIO was represented by Shri

Raghunath Naik who sought time to file reply and thereafter both the Respondents remain absent nor filed their reply. In spite of granting opportunity to both the Respondents they failed to file their say.

3. The matter was thereafter called out number of occasion but non of the parties were turned up and showed any interest in the matter. Never-the-less, as sufficient time is since elapsed, the commission felt it appropriate to now dispose of this appeal, based on the material available on record.
4. On scrutiny of the file it is seen that to the application filed by the appellant u/s 6, the PIO has not bother to reply the same leave aside furnishing the information. From the conduct of the Respondent No. 2 PIO it can be clearly inferred that the PIO has no concerned to his obligations under the RTI Act. Irresponsible attitude of the PIO it further evident for the lack of participations in this appeal inspite of service. PIO plays a vital role entire process of parting the information under the Act. from the provisions of the RTI Act it indicates that the entire responsibility in matter of providing information sought rest on PIO and non compliance of mandate makes PIO liable for penalty action.
5. As no reply was filed by Respondent no. 1 FAA and as failed to appear before the commission, no clarification could be obtained from Respondent No. 1 FAA as to why they failed to dispose the first appeal within stipulated time and what was the reason for withholding the same.
6. This Commission would like to refer Section 19(6) of the Act which states "An Appeal under sub-section (7) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing."

7. The displeasure is hereby expressed by this Commission for the conduct and attitude shown by the Respondent No. 1/FAA. It has been observed in various cases that FAA either does not pass any Orders or such Orders are passed after the stipulated time, as such great inconvenience and hardship, mental agony is thereby caused to the Appellant. The commission observes that Respondent No. 2 FAA miserably failed to perform their duties as contemplated under the Right to Information Act and hence warns Respondent No. 1/First appellate authority that such irresponsible behavior would not be tolerated hence forth and incase detected, would be reported to the authorities, recommending penal action.
8. In the present case the act on the part of both the Respondents is condemnable as the material on record shows that the both the Respondents did not take diligent steps in discharging their responsibility under the RTI Act.

In the above given circumstances the following order is passed.

Order

- i. The Respondent No. 2 PIO, Assistant Director of Mines and geology in Panajim Goa is hereby directed to furnish the information to the appellant as sought by her vide her application dated 26/2/15 free of cost within three weeks from the date of receipt of this order.
- ii. Both the Respondents are hereby directed to be vigilant henceforth while dealing with RTI matters and any such lapses in future will be viewed strictly.

Appeal dispose of accordingly 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 under the Right to Information Act 2005.

Sd/-

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

AK/-