

GOA STATE INFORMATION COMMISSION

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

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

Appeal No.171/2016

Mr. Ramnath N. Prabhu Dessai,
Resident of Kevona ,
Rivona, Quepem Goa.

....Appellant

V/s.

The Public Information Officer,
Asst. Director of Civil Supplies,
Panaji Goa.Respondent

Filed on: 12/09/2016
Decided on: 27/04/2017

ORDER

1. Brief facts of the case are that the appellant Shri Ramnath N. prabhudessai, vide application dated 27/02/2016 filed under section 6(1) of Right to information (RTI) Act sought information at query no 1 to 7 in respect of the appointment done for the post of Sub Inspector in Department of Civil Supply and Consumer Affairs from Respondent No. 1, Public Information Officer (PIO), Office of the Department of Civil and Consumer affairs at panjim.
2. The said application was received in the Office of Respondent no. 1 PIO on 11/03/16. Which was replied by Respondent No. 1 PIO on 4/04/2016 thereby providing information at point number 1 to 6. In the said letter the PIO also intimated the appellant to deposit an amount of Rs 646/- and there after to collect the necessary copies.
3. Accordingly an amount of Rs. 646/- was paid by the appellant on 19/04/2016.
4. It is case of the appellant that he received reply dated 4/05/2016 thereby informing him that once the procedure laid

down u/s 11 of the RTI act is completed, he will be intimated the decision and the information will be furnished accordingly with respect to point No. 7.

5. Thereafter the Respondent No. 1 by letter dated 2/05/2016 issued notice to 3rd parties whose information was sought by the appellant granting them 10 days to reply.
6. Thereafter the Respondent PIO again passed an order refusing to give information on the ground that the information at point No. 7 is personal information of 3rd party and the information/ documents sought by the appellant that is certified copy application contains photographs, mobile number Email id, Education qualification residential address of 3rd party and the said party have strongly objected to share their information.
7. Being aggrieved by reply of the Respondent No. 1 PIO the appellant preferred 1st appeal before the Director of Civil Supplies being First Appellate Authority (FAA) and FAA partly allowed the appeal and directed to provide only the information relating to Smt Akshaya Phaldessai, who had given no objection to the notice issued by PIO and information of other candidate was rejected as the objection was raised by those candidates.
8. Being aggrieved by the impugned order dated 16/05/16 and 28/07/16, the appellant have approached this commission by way of 2nd appeal filed under 19(3) of RTI Act 2005 on the ground stated therein in the said memo of appeal. In the present 2nd appeal appellant had sought relief for quashing and setting aside order dated 16/05/16 and order dated 28/07/2016 passed by the PIO and for directions to furnish him the information at point No. 7.
9. After listing the matter for hearing, the matter was taken up on board. The Appellant was represented by Advocate S. Redkar Respondent no. 1 was represented by Franklin ferrao.
10. In the course of the hearing the advocate for the appellant submitted that he is satisfied with the information

provided to him at Sr. No. 1 to 6. He further submitted that he required information at point no. 7 on priority basis as he intend to challenge the selection procedure of Sub-Inspector Post in Civil Supplies Department.

11. Appellant further submitted that information with regard to point no. 7 may be provided to him by covering personal details like photograph, phone no. email id, on the candidate application form.
12. The PIO agreed to submit the required information by covering the personal details. Accordingly the information came to be furnished to the appellant on 3/04/2017.
13. The Advocate for the appellant on going through the said information submitted that with this information, his application dated 27/02/16 filed u/s 6(1) of the Act stands fully replied.
14. Advocate for the Appellant further submitted that the Respondent No. 1, PIO acted in contravention of the provision of the RTI Act. It is his case that the notice u/s 11 ought to have been given by PIO to third party within 5 days from the receipt of the request.

He further submits that there is an delay in complying with procedure laid down u/s 11 of the act and on said ground he seeks for the direction for invoking penal provision as against Respondent No. 1 PIO though no such specific prayer was sought by him in memo of appeal.

15. I am in agreement with the submission made by the advocate for the appellant that the respondent PIO have failed to comply with the provision of section 11 of RTI Act within time. Record shows that the application u/s 6(1) was received by PIO on 11/03/16 and the 3rd party notices were issued on 2/05/16 apparently not within 5 days from the receipt of the request. There is delay of about 2 months which is against the mandate of RTI Act.

16. However considering this is an 1st lapse on the part of Then PIO Smt. Trupti B. Manekar, lenient view is taken, however she is hereby directed to be vigilant hence forth while dealing with RTI matter and any such lapse in future will be viewed seriously.

The appeal disposed 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 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/-fn