

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal 101/2016

**Dr. Damodar T. Gaonker,
H.No. 947/1 Kranti Nagar,
Penha -De-France, Porvorim Goa.**

....Appellant

V/s.

- 1. Director of Mines & Geology,
Government of Goa,
Institute of Menezes Braganza,
Ground floor, Panaji Goa**
- 2. The Asst. Director of Mines & Geology/PIO,
Directorate of Mines & Geology,
Government of Goa,
Institute of Menezes Braganza,
Ground floor, Panaji Goa.**

.....Respondents

Appeal filed on: 24/05/2016

Decided on: 20/03/2017

ORDER

1. The appellant herein Dr. Damodar D. Gaonkar by his application dated 03/02/2016, filed under section 6(1) of Right To Information Act 2005 (RTI Act), sought certain information from Respondent No. 1 Public Information Officer (PIO), Director of Mines and Geology, Goa as stated therein in the said application.
2. The said application was not responded by the Respondent No. 1 PIO within time and thus deeming the same as refusal the appellant filed 1st appeal before the First Appellate Authority (FAA) who is Respondent No. 2 herein on 14/03/2016. It is the case of appellant that inspite of sending reminders to the FAA no any decision was given by Respondent No. 2 FAA within specified time.

3. Being aggrieved by the action of both the Respondents, Appellant approached this Commission by way of second appeal on 24/05/2016 in terms of section 19(3) of the RTI Act with prayer as against Respondent PIO for furnishing information and for invoking penal provision as against both the Respondents.
4. In pursuant to the notice Appellant appeared in person. Respondent No. 1 was represented by Shri Baban Gaonkar who showed his willingness to provide information to the Appellant on the priority basis as the information was required by the Appellant to produce it before Lokayukta. Accordingly the said information is furnished to the Appellant on 20/03/2017. Appellant going through the said reply of the Respondent and the enclosures annexed to the said reply submitted that with this information, his application filed under section 6(1) is fully replied and hence he does not wants to proceed with the Appeal and appropriate orders may be passed. Accordingly he endorsed his say on the memo of appeal.
5. On scrutiny of file it is seen that the FAA have not disposed the appeal within stipulated time as contemplated under RTI Act so also Respondent No. 1 have not responded in writing to his initial application filed under section 6(1) of RTI Act . The Act on the part of both the Respondent is in contravention against the mandate of RTI Act. The said Act came into existence to provide fast relief as such time limit is fixed under said act to dispose application under section 6(1) within 30 days and to dispose 1st appeal maximum within 45 days. Respondent herein also failed into take into_ consideration intent of RTI Act which came into force.
6. The Public authority must introspect that non furnishing of the information lands the citizen before the FAA and also before this

Commission resulting into necessary harassment of the Common Man which is socially abhorring and legally impermissible.

7. Both the Respondents is hence forth are hereby directed to dispose the matter pertaining to RTI within time as specified under RTI Act 2005 and any of lapses on their part in future will be viewed strictly.
8. In view of the submission and endorsement made by Appellant on the memo of appeal, nothing survives to the decided in the present appeal.
9. 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 under the Right to Information Act 2005.

Sd/-

(Ms. Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa