

THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

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

Appeal No.118/SCIC/2016

Bharat L. Kandolkar,
Vady, Candolim,
Bardez Goa.

....Appellant

V/s.

1. Public information Officer,
The Dy. Conservator of Forests,
North Goa Division,,
Ponda Goa.
2. First Appellate Authority,
Conservator of Forest,
Forest Department,
3rd floor Junta House, Panaji GoaRespondent

Appeal Filed on: 30/05/2016

Disposed on: 21/04/2017

ORDER

1. In exercise of right under section 6(1) of Right to Information Act 2005 the appellant Shri Bharat L. Kandolkar filed application on 8/1/2016 seeking certain information from the Public Information Officer (PIO), Forest Department, North Goa Division, Panaji-Goa on several points as stated therein in the said application
2. The PIO of the O/o Principal, Chief Conservator of Forest, Panaji-Goa his letter dated 11/01/16 transferred the said application to pio, Deputy Conservator of Forest North Goa Division Phonda Goa u/s 5(4) of the RTI Act , 2005 who is an Respondent No. 1 herein.
3. Since the said application was not responded by the respondent no. 1 herein , deeming the same as refusal the appellant preferred first appeal before the respondent No. 2 and the respondent No. 2 by judgment partly allowed the appeal and directed Respondent no. 1 PIO to show the records to the appellant within 15 days from the date of issue of order. And then to provided document to the appellant based on the inspection and as requested for if any.

4. Since no inspection of records was allowed to him despite of he visiting the office the appellant then was forced to approach this commission by way of present second appeal filed u/s 19(3) on the ground set out in the said appeal. In the present appeal he has prayed for direction as against PIO to furnish correct and full information as sought by him vide his application 8/01/16, for inspection of the records and for penal action as against Respondent No. 1 PIO for not providing complete and correct information within stipulated time of 30 days and for not complying with the order of FAA. He has also prayed for compensation.
5. The matter was listed on board and taken up for hearing. In pursuant to the notice appellant remained present alongwith his Advocate Atish Mandrekar. Respondent No. 1 PIO, was represented by Kuldeep Sharma who showed his willingness in affording opportunity to the appellant for the inspection of the records to which the appellant agreed.
6. On subsequent date of hearing the Respondent No. 1 submitted that inspection of respective documents/files were provided to appellant on 23/02/2017, he also further submitted that then PIO Shri M. P. Kharkhanis have retired on superannuation with effect from 30/09/2016.
7. He filed reply on 20/03/2017 there by enclosing the copy of the documents/information which were furnished to the Appellant. PIO also submitted that additional documents are also provided by him.
8. The copy of the reply alongwith information were furnished to the appellant. On verification of the information, the Advocate for the appellant submitted that with this information his application dated 8/01/16 filed u/s 6(1) stands fully replied. However he submitted that there is tempering done on the documents by the staff of the forest department and on that ground he sought for the inquiry. However nothing supporting said statement have been produced on record by the appellant. The Respondent No. 1 PIO disputed his said statement of Appellant and he catagorily stated that the copies of the said documents as available with them in their records have been furnished to the Appellant. In the interest of justice this Commission directed to make available the original documents on next date of hearing, which was verified by the Advocate during the course of hearing.

9. On 22/03/2017 PIO placed on record reliving order dated 30/09/16 of then PIO Shri Milind B. Kharkhanis. The advocate for the appellant submitted that since PIO is retired penalty not be imposed and accordingly endorse his say on the memo of appeal.
10. I am of the opinion that ends of justice would meet with the following directions:-

ORDER

The appellant can approach the Office of the Chief Conservator of Forest with his above grievance of tempering of the doc by filing appropriate application thereby enclosing supporting documents and that Chief Conservator of Forest Or thorough his subordinate shall inquire into the same within 3 month there off.

11. Appeal is 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/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

KK/-