

GOA STATE INFORMATION COMMISSION

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

Appeal No. 138/2015

Shri Shankar Raghunath Jog,
Margawadi, Sancordem,
Via Tiska, Goa. Pin: 403406

.....Appellant

V/s.

1. Public Information Officer
Directorate of Mines and Geology,
Panaji - Goa.
2. Director of Mines and Geology,
First Appellate Authority,
Government of Goa,
Panaji Goa

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 01/09/2015

Decided on: 17/10/2017

ORDER

1. Appellant, Shri Shankar Jog , herein referred to as appellant by his application dated 6/2/15 filed u/s 6(1) of the RTI Act 2005 sought certain information on two points as stated therein in the said application from the respondent No. 1 PIO Mines and Geology Department, Panaji Goa .
2. The application of the appellant was responded by the Respondent No. 1 PIO on 5/3/2015 and the information on both the points were denied to the appellant . The point no. 1 was denied on the ground that it was not coming within the definition of "information" and with regards to point no. 2 it was denied on a ground that it was not compiled with the Directorate.
3. Being not satisfied with the reply of Respondent No. 1 PIO the appellant filed first appeal with the Director of Directorate of

Mines and Geology u/s 19(1) of RTI Act being the FAA, who is the Respondent NO. 2 herein .

4. According to the appellant the Respondent No. 2 did not dispose the First appeal. According to him no any communication was received from Respondent No. 2 FAA nor he received any order from FAA .
5. Being aggrieved by the action of both the Respondents the appellant have approached this commission on 1/9/2015 by way of second appeal filed u/s 19(3) of RTI Act, 2005 thereby seeking directions as against Respondent NO. 1 for furnishing the information as sought by him free of cost and for invoking penal provisions .
6. In pursuant to the notice of this commission, the appellant appeared in person on 3/10/17. Both the Respondents were represented by Shri Baban Goankar who submitted that respondent PIO is still willing to furnish complete information to the appellant . The appellant then submitted that he is a senior citizen and unable to travel to Panajim, as such the Respondent PIO was directed by this Commission to provide the information to the appellant by Speed post / Registered A.D. and to file compliance report.
7. Accordingly the Respondent No. 1 PIO filed his affidavit cum reply and also compliance report on 17/10/17 interalia submitting that direction of this commission have been complied and the information have been provided to the appellant on 6/10/2017 by speed post which has been received by the appellant. In support of his contention he has placed on record the forwarding letter dated 6/10/17 and track consignment records .
8. The Respondent No. 2 FAA also filed reply on 17/10/17 interalia tendering unconditional apology for inconvenience cause to the

appellant and undertook to be diligent hence forth. It was submitted that delay in disposal of the first appeal was due to non processing of such appeal paper/communication by the dealing hand at the relevant point of time.

9. I have scrutinized the records available in the file, on perusal of the information furnished to the appellant it is seen that both the queries have been duly answered by the PIO and the information at serial No. 2 is duly furnished to the appellant . With regards to query no. 1 it was replied that the action taken with respect to compliant dated 26/9/14 is not available in the lease file of TC No. 7/59 and 22/53 however the PIO has showed his desire to give inspection of the said file to the appellant.
10. The appellant was aware of the date of to days hearing and since he has not approached this commission with any grievances with regards to the information furnished to him by the PIO, I presume that the information furnished to him is as per his requirement and to his satisfaction as such no intervention of this commission is required.
11. With regards to other prayers which are in nature of penal action, it is seen that the application of the appellant dated 6/2/2015 was duly responded by the Respondent PIO on 5/3/2015 well within stipulated time. Vide letter dated 6/10/2017 the Respondent PIO again volunteered to give him inspection of lease file of TC No. 7/59 and 22/53. The Respondent PIO has shown bonafides in furnishing the information which is available and existing in the records of public authority. There is no cogent and sufficient evidence on record for invoking penal provisions as such the facts of the present case does not warrants for invoking penal sections.
12. In the facts & circumstances of the present case following order is passed.

Order

1. Since the Respondent No. 1 PIO has shown his willingness and still agrees to give inspection , of the lease file of TC No. 7/59 and 22/53 the appellant if so desire may approach the respondent PIO within 60 days for the purpose of inspection of the lease file No. 7/59 and 22/53.
2. The respondent NO. 2 FAA hereby given admonition and is hereby directed to be vigilant in performance of his duties under the RTI Act.

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

Ak/-

