

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

Appeal No. 21/2017

Shri Polor Vyalil Gangadharan
Ashiyas, H.No. 48(B),
Sindhu Nagar, Curti,
Ponda Goa.

V/s.

1. Public Information Officer
Asst. Registrar of Co-operative Societies,
Ponda Zone, Ponda Goa.
2. The First Appellate Authority,
The Registrar of Co-operative Societies,
Government of Goa,
4th & 5th floor,
"Sahakar Sankul" Patto Plaza ,
Panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 08/03/2017

Decided on:09/10/2017

ORDER

1. The appellant , Shri P.V. Gangadharan has filed the present appeal on 2/3/2017 praying the information as requested by the appellant in his application dated 6/7/2016 be furnished to him correctly and for invoking penal provisions.
2. The brief facts leading to the present appeal are as under :-
That the appellant, vide his application , dated 6/7/2016 addressed to the public information officer (PIO), Assistant Registrar of Cooperative Society Ponda Zone, Ponda, Goa, requested to furnish certain information at point (a) to (d) and also requested for verification of the related documents as stated by him in the said application. The same was sought u/s 6(1) of right to information Act , 2005.

3. According to the appellant the respondent no.1 PIO did not furnish him the information which was sought for and gave vague reply and according to appellant it amounted to delaying tactics as such he filed appeal before the Registrar of cooperative society being first appellate authority on 23/9/2016 who is the Respondent No. 2 herein.
4. It is a case of the appellant that no order was passed by the Respondent No. 2 First appellate authority .
5. According to the appellant after filing the first appeal he received the reply with regards to first point i.e point No. (a) and as he did not received the information pertains to other points, deeming the same as denial of the information, and also being aggrieved by the action of both the respondents the appellant approached this commission on 2/3/2017 by way of second appeal filed u/s 19(3) of the RTI Act on the grounds as raised in the memo of appeal.
6. In pursuant to the notice of this commission Appellant appeared in person. Respondent No. 1 initially was represented by Shri Pankaj Marathe who filed reply on 16/08/2017 thereby furnishing information . Since the appellant was absent the copy could not be furnished to the appellant. The respondent PIO undertook to furnish the information to the appellant by Registered A.D./Speed post.
7. On subsequent date of hearing the appellant appeared in person and submitted that the information received by him is not correct/proper. As such the commission verified the information which was provided by reply dated 16/8/2017 vis-à-vis the RTI Application of the appellant dated 6/7/2016 and it is found that the said was not pertaining to said application. On perusal of the caption of the reply it is found that the Respondent have mentioned the date of the application as 16/3/2017. Obviously the records shows that it is furnished pertaining to some other

RTI Application and not concerning the present application dated 6/07/2016.

8. If the correct and timely information was provided to the Appellant, it would have saved valuable time and the hardship caused to him in pursuing the said Appeal before the different Authorities. It is quite obvious that the Appellant has suffered lot of harassment and mental torture and agony in seeking information under the RTI Act which is denied to him till this date. If the PIO had given prompt and correct information such harassment and detriment could have been avoided. However as there is nothing brought on record by the appellant that the lapses on the part of the PIO is persistence, a lenient view is taken in the present matter.
9. As no reply was filed by Respondent no. 2 FAA and as failed to appear before the commission, no clarification could be obtained from Respondent No. 2 FAA as to why they failed to dispose the first appeal within stipulated time and what was the reason for withholding the same.
10. This Commission would like to refer Section 19(1) 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."
11. The displeasure is hereby expressed by this Commission for the conduct and attitude shown by the Respondent No. 2FAA. 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. 2/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.

12. In the above given circumstances I feel ends of justice will meet in the following order

Order

The Respondent No. 1 PIO is hereby directed to furnish point wise information to the appellant as sought by the appellant vide his application dated 6/7/2016 free of cost within 15 days of the receipt of this order.

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/-

