

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No. 35/2017

Shri Jawaharlal T. Shetye

H.No. 35, ward No 11,

Khorlim Mapusa-Goa

.....Appellant

V/s

1. Public Information Officer (PIO),
Dy. Collector and SDO Bardez,
Mapusa, Bardez-Goa
 2. The First Appellate Authority (FAA),
Additional Collector-I,
Panaji-Goa
-Respondents

Appeal filed on: 7/04/2017

Disposed on:- 16/10/2017

ORDER

- 1.** Brief facts leading to present appeal are as under:
- 2.** The appellant Shri J. T. Shetye by his application dated 3/01/2017 sought certain information on 5 points as stated therein in the said application from the Public Information Officer (PIO), Deputy Collector, Bardez, Mapusa, Goa with regard to representation dated 28/11/16 made by Mapusa People Union to their Office.
- 3.** According to the appellant the application dated 3/1/17 which was filed under 6(1) was not responded by PIO as such he preferred the 1st appeal before the Respondent No. 2 Additional Collector, North Goa, being First Appellate Authority (FAA) on 10/02/2017.
- 4.** According to the appellant the Respondent No. 2 First Appellate Authority (FAA) issued notices to him and hearing were taken on 3 occasions but failed to pass an appropriate order on his first appeal.

- 5.** As both the respondents did not adhere to his request for furnishing the information and being aggrieved by the action of both respondent the appellant have approached this Commission on 6/04/17 by way of 2nd appeal filed under section 19 (3) of RTI Act, 2005 thereby seeking direction to respondent PIO for furnishing him information on priority basis and for invoking penal provision and for taking steps for implementation of provision of section 4(1)(a) and 4(1)(b) of RTI Act, 2005.
- 6.** In pursuant to notice of this Commission appellant was present in person. APIO Shri Keerti Kumar Bandodkar was present who filed his reply on 4/09/2017. Since the said reply was not enclosed with documents he sought time to place on record annexures and accordingly on 15/09/17 the same was submitted to this commission.
- 7.** As undertaken by the PIO the information was furnished to appellant by Registered A. D.
- 8.** On subsequent date of hearing on 16/10/2017 the appellant appeared in person and submitted that he has received information by post. However it was his grievance that there is considerable delay in furnishing information and that information furnished to him at point No. 5 is not to his satisfaction. It is his further contention that letter dated 15/02/2017 of the PIO was not received by him.
- 9.** Since the appellant was not satisfied with the information at point No. 5. The PIO Shri Gauresh Sankhwalkar present during hearing submitted that he is ready to give entire list of the persons who has been granted OBC cast certificate and the same is system generated. The appellant also agreed for the same.
- 10.** Be that as it may be On scrutiny of record it is seen the application of appellant dated 3/01/17 is not responded within 30 days. According to the respondent it was responded on 15/02/2017 which have been categorily disputed by the appellant nevertheless the record shows that the application was not responded within stipulated 30

days time. There is an delay about 11 days in replying the same.

- 11.** The Respondent No. 2 FAA also did not bothered to appeared before this Commission nor filed any appropriate reply. The records shows that Respondent No. 2 have not disposed the 1st appeal within stipulated time, no any clarification could be sought from Respondent No. 2 on account of continuous absence. The Commission observes that Respondent No. 2 FAA miserable failed to perform their duties under the Right to Information Act and hence admonishes Respondent No. 2 FAA that such irresponsible behaviour would not tolerated henceforth and incase detected, would be viewed strictly.
12. 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 harassmt 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 harassmt and detriment could have been avoided.
- 13.** In the above given circumstances following order is passed.

ORDER

- a) The present PIO is hereby directed to furnish information at point No. 5 of his application dated 3/01/2017 within 10 days from the date of receipt of order and directed to file compliance report on the subsequent date of hearing.
- b) Issue showcause notice to then PIO u/s 20(1) and 20(2) of RTI Act for delaying the information.

- c) The copy of order and showcause notice shall be forwarded to then PIO by present PIO.
- d) Matter fixed on 7/11/2017 at 10. 30. a.m. for reply of then PIO to Showcause notice and compliance report of present PIO.

Appeal disposed accordingly.

Pronounced in open proceedings. 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.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

