

GOA STATE INFORMATION COMMISSION

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

Appeal No. 41/2017

Shri Amar Hadfadkar
H.No. 36, Golnawada,
Pomburpa, Bardez Goa.

.....Appellant

V/s

1. The Public Information Officer,
Village Panchayat Penha De Franca,
Bardez Goa.

2. First Appellate Authority,
The Block Development Officer-I,
Mapusa Bardez Goa.

.....Respondents

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

Filed on : 17/04/2017
Decided on: 13/12/2017

ORDER

1. The appellant Shri Amar Hadfadkar, has filed a present appeal praying that the Respondent 1 be directed to furnish the information sought by him by his application, dated 27/10/2016 and for quashing and setting aside the order dated 14/2/2017 passed by the Respondent No. 2 herein
2. The brief facts leading to present appeal are as under:-
3. That the appellant by application dated 27/10/2016 sought information pertaining to the Panch members namely Gopal Sawant and /or Mrs. Radhika Sawant of Village Panchayat Penha the France from Respondent No. 1 the PIO of Village

Panchayat Penha the France . the appellant has sought an information on 9 points as stated therein in the said application. The said information was sought was in exercise of his right u/s 6(1) of The Right to Information Act, 2005.

4. According to the appellant his application dated 27/10/2016 was not responded by the Respondent No. 1 PIO within the prescribed time limit as such he filed first appeal before the Respondent NO. 2 herein on 16/12/2016.
5. The respondent no. 2 first appellate authority by an order dated 14/2/2017 asked the appellant to inspect the records available in the office of the respondent with prior appointment and thereafter obtained the certified copies of the required documents as available in the office of the Respondent upon payment of fees
6. As Respondent No. 1 PIO failed to provide him the information as such being aggrieved by the action of Respondents No. 1 and 2, the appellant has approached this Commission on 13/4/2017 by way of 2nd Appeal filed u/s 19(3) of the RTI Act, 2005.
7. Notices were issued to the parties. In pursuant to the notice of this Commission, appellant was represented by Advocate A. Borkar. Respondent No. 1 was represented by Advocate D. Bhomkar and on behalf of Respondent No. 2 Shri Subhash Faterpekar appeared.
8. In the course of the present proceedings, the Advocate for the respondent volunteered to give the inspection of the files pertaining to the information and also showed his willingness to furnish the available information. The Advocate for the appellant also agreed to carry out the inspection and to identify the documents which are required by her.

9. On a subsequent date of hearing the advocate for the appellant submitted that the inspection was carried out by them and they have identified the documents. Accordingly the information came to be furnished to the appellant on 13/12/2017. On verification of the information the advocate for the appellant then submitted that the information at serial 2 to 8 is furnished to her as per their requirement and to the satisfaction of the appellant. However she expressed her grievance that information at serial No. 1 and 9 is not furnished to the appellant. The advocate for the Respondent agreed to furnish the said information to the appellant. Accordingly appellant endorsed his say on memo of appeal.
10. I have scrutinize the records available in the file also considered the argument /submission made on behalf of both the parties. Apparently there is a delay in furnishing the information. If the correct and timely information provided to appellant it would have saved valuable time and hardship caused to him in pursuing the said appeal before the different authorities. It is quit obvious that appellant has suffered lots of harassment and mental torture and agony in seeking information under the RTI Act. If PIO had given prompt and correct information such harassment and detriment could have been avoided.
11. However, as there is nothing on record to show that such lapses on part of PIO are persistent, a lenient is taken in the present proceedings and the PIO is hereby directed to be vigilant henceforth while dealing with the RTI matters and any such lapses in future will be viewed seriously.
12. In the above given circumstances, I feel ends of justice will meet with following order

Order

The Respondent NO. 1 PIO is hereby directed to furnish the information as sought by the appellant at serial No. 1 and 9 of

his application dated 27/10/2016 within three weeks from the date of the receipt of the order.

Appeal disposed accordingly. Proceedings stands closed
Notify the parties.

Pronounced in the open court.

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

Ak/-