

GOA STATE INFORMATION COMMISSION

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

Appeal No. 56/2017

Jawaharlal shetye
H. No.35/A, Ward No. 11,
Near Sateri Temple,
Mapusa Goa.

..... Appellant

V/s.

1. Public Information Officer (PIO),
The Additional Collector-II,
Collectorate North Goa District ,
Panaji Goa.

2. The First Appellate Authority (FAA),
Additional Collector –I,
Collectorate Building,
North Goa District ,
Panaji Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 03/05/2017

Decided on: 06/10/2017

ORDER

1. The appellant , Shri Jawaharlal Shetye has filed the present appeal on 3/5 /2017 praying the information as requested by the appellant in his application dated 20/1/2017 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 20/1/17 addressed to the Respondent No.1 public information officer (PIO), office of the Additional collector II (revenue) ,Panaji Goa requested to furnish certain information at point 1 to 5 as stated therein in the said application with respect to letter No. MMC /ENGG/8603/2016 dated 14/10/16 received by their office from the Chief Officer of Mapusa Municipality seeking clarification regarding conversion

SANAD issued by the office of Additional collector II with their reference No. RB/CNV/BAR/AC-2/65/2015 dated 16/11/15. 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 not responded his application as such he filed 1st appeal before the Additional collector I, Panaji-Goa being first appellate authority (FAA) on 1/3/2017 who is the respondent No2 herein
4. According to the appellant the respondent No.2 FAA did not dispose the said appeal as such being aggrieved by the action of the both the respondents, the appellant approached this commission on 3/5/2017 by way of second appeal filed u/s 19(3) of the RTI Act on the grounds as raised in the memo of appeal.
5. In pursuant to the notice of this commission Appellant appeared in person. Respondent No.1 PIO Shri Gurudas Desai appeared and filed his reply on 22/8/17 thereby enclosing the letter bearing No.31/1/2015 /RB/RTI/HC/442 dated 12/5/17 by which the said information was furnished to the appellant. The copy of the reply alongwith enclosure was furnished to the appellant .
6. In the course of the present proceedings, the appellant submitted that he has duly received information at point no.4 and 5 and that he is not pressing for information at point no.3. However he submitted that information at point no.1 and 2 has not been received by him, as such the respondent PIO was directed to furnish the information to the appellant before the next date of hearing and the appellant was directed to verify the same and to report accordingly on the subsequent date.
7. On the subsequent dates of hearing neither the appellant remain present nor the Respondent appeared. Ample opportunities given to both the parties to make appropriate submissions, despite of same they opted to remain absent .

8. It appears that the appellant is in receipt of information at point No. 1 and 2 as per his requirement, as such he is not interested in present proceedings. Since appellant have not come out with any grievances with regards to information furnished to him it is presumed that he is satisfied with the information furnished to him as such I hold that no intervention of this commission is required as far as prayer (I).
9. With regards to other prayer which are in penal nature, On perusal of the records, it is seen that the PIO has not responded the application of the appellant as required in terms of section 7. There is a delay of about approximately three months in replying the said application. The PIO has tried to justify the delay and contended that he has taken the assistance of Shri Dattaprasad Dhond U.D.C. u/s 5(4) of RTI Act and the said staff could not give the information before the prescribed time line as per the said Act. Such an excuse is not tenable in the eyes of Law. The Respondents have not placed on record any supporting evidence to substantiate his above stands. As such the same cannot be excepted as Gospel truth. The first appellate authority has also not disposed the first appeal within stipulated time. The conduct on the part of the both the Respondents i.e PIO and First appellate authority is against the mandate and spirit of the RTI Act.
10. 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 and FAA is persistence, a lenient view is taken in the present matter.

11. The PIO and the First appellate authority is hereby directed to be vigilant henceforth while dealing with the RTI Matters and future lapse if any will be viewed strictly .

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