

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No. 77/SCIC/2014

Shri Vincent Dias,
Son of Late Domingo Dias,
H. No. 503, Murida,
Fatorda, Margao-Goa
V/s

...Appellant

1. The Public Information Officer (PIO),
South Goa Planning and Development Authority,
4th floor, 'D' Wing, Osia Complex,
Near SGPDA Market, Margao-Goa
 2. The First Appellate Authority (FAA),
Chairman, SGPDA,
SGPDA, Osia Complex, Margao-Goa
-Respondents

Appeal Filed on: 18/07/2014

Disposed on: 27/12/2016

ORDER

- 1.** Brief facts of the case are that by an application dated 10/02/2014, filed under section 6(1) Right to Information Act 2005 the Appellant Shri Vincent Dias sought information with regards to the progress of the matter in connection with his letter dated 10/02/2014 which was addressed by him to the Member Secretary, South Goa Planning Development Authority (SGPDA), Margao-Goa from Public Information Officer (PIO), SGPDA, Margao (Respondent No. 1 herein).
- 2.** Since this said application was not responded and since the information was not furnished to him, he preferred appeal before the First Appellate Authority (FAA), SGPDA, Margao-Goa (Respondent No. 2 herein) on 17/04/2014 .
- 3.** Since Respondent No. 2 FAA did not entertain his first appeal nor any decision was taken on first Appeal the appellant approached this Commission by way of Second appeal as contemplated under section 19(3) of RTI Act on 16/07/2014 thereby praying for the direction as against Respondent No. 1 for furnishing the

proper and complete information and also seeking Penalty as against both the Respondents for having deliberately not supplied the relevant information in time.

4. In pursuant to the notice, despite of due service the Appellant opted to remain absent. On behalf of the Respondent No. 1, PIO Advocate Korgaonkar alongwith Advocate S. Porob appeared. Respondent No. 2 First Appellate Authority opted to remain absent.
5. Affidavit in Reply came to be filed on behalf of Respondent No. 1 PIO on 9/11/2016. Advocate S. Porob submitted that her affidavit in reply may be treated as their arguments.
6. I have gone through the records of this file including the reply filed by the PIO
7. The present PIO Shri Ashok Kumar have submitted that Shri Vinod Kumar was then PIO and he had written to the appellant vide his letter dated 5/03/2014 informing the appellant that the site inspection was kept on 7/03/2014. Vide his reply he has also contended there are no records of having filed the first Appeal with their Office. Since the appellant was continuously absent this Commission had no other option then to decide the matter based on the records.
8. I have perused the application under section 6(1) of the Act and the letter dated 5/03/2014 of Member Secretary, SGPDA. On going through the letter 5/03/2014 it appears that the same was replied in connection of application of the Appellant dated 10/02/2014 with regards to inspection and necessary action of the structure of Santan Fernandes at House No. 501. The said letter also shows the subject as "***N.O.C. FOR CONST./ DEV. REG.,***", The said application was not filed under RTI Act, as such it appears that authority have replied in connection with his application for inspection and the necessary action concerning the structure of Santana Fernandes. Vide application filed under section 6(1) on 10/02/2014, the applicant had sought for the progress of the matter with regards to his letter addressed to SGPDA dated 10/02/2014. It is apparent from the records that the application under section 6(1) dated 10/02/2014 have not been specifically replied by the PIO.

9. It is also seen from the records that the copy of the first appeal which are enclosed by the Appellant also bears the inward seal of the South Goa Planning and Development authority dated 17/04/2014, as such it is hard to digest contention of the Respondent PIO, that no records of having filed the first appeal before the FAA are available.
10. The Respondent No. 2 FAA did not bother to appear before this Commission nor filed any appropriate reply. The Respondent No. 2 FAA have committed the serious irregularities of not notifying the appellant to substantiate his grievance nor the PIO to support his reply. Thus I find the conduct of the Respondent No. 2, FAA is totally casual. There is a gross violation of principal of natural justice
11. Further glaringly it can be noticed in the course of this proceedings that on receipt of the notice of this Appeal, no explanation or reason is furnish by the PIO for not providing information promptly. It is apparent from the records that the Respondent No. 1, then PIO has shown lack and negligence in his attitude towards discharge of his function as PIO. Material on record also shows that the PIO, Respondent No. 1 did not take any diligent steps in discharging responsibility under the RTI (Right to Information) Act. *The PIO's to always keep in mind that there services are taken by the Government to serve the people of state in particular and the people of country at large. They should always keep in mind that the objective and the purpose for which the said Act came into existence. The main object of RTI Act is to bring transparence and accountability in public authority and the PIO's are duty bound to implement the Act in true spirit.*
12. If the correct information was furnished to the Appellant in the inception he would have saved his valuable time and hardship cause to him, in perusing the said Appeal.
13. The record also shows that even though the 1st appeal was filed by the appellant before Respondent No .2 FAA , the same was not taken up for hearing . The said act on the part of the Respondent No.2 FAA is in contravention against the RTI Act . The said act came into existence to provide fast relief and as such time limit is fixed under the said Act to dispose application u/s 6 (1) within thirty days and to dispose 1st appeal maximum

within 45 days . The acts of both the Respondents are condemnable.

14. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. He has made to run from pillar to pole, lots of his valuable time is being spent on seeking the information. If Respondent No. 1, then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.
15. Considering the conduct of the of both the Respondents and their indifferent approach to the entire issue, I find some substance in the contention of the appellant. In the afore said circumstances I proceed to dispose this appeal with the following order :-

ORDER

- a) Respondent No.1 PIO is hereby directed to give clear and unambiguous reply and to provide him information free of cost within three weeks from the date of the receipt of this order by registered post and report compliance to this Commission alongwith the acknowledgement of the appellant to this Commission within 10 days thereafter.
- b) Both the Respondent have been hereby directed to comply with the provision in proper spirit and in accordance with law failing, which the serious view will be taken hence forth.

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.

Pronounced in the open court.

Sd/-

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

