

GOA STATE INFORMATION COMMISSION
Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No. 77/SCIC/2015

Shri Gajanan D. Phadte,
C/o Ramanand Chodankar,
H.No1134,Toncawaso,
St.Estevam, Tiswadi Goa 403610 **Appellant.**
V/s.

1. The Public Information Officer,
Office of the Director of Panchayat
Junta House Panaji Goa
2. First Appellate Authority,
Director of Panchayat,
Junta House Panaji Goa Respondents

Appeal Filed on: 8/07/2015

Disposed on: 24/01/2017

ORDER

1. The Appellant Shri Gajanan D. Phadte herein in exercise of his right under section 6(1) of Right To Information Act (RTI Act) by his application dated 26/02/2015 addressed to Respondent No. 1 Public Information Officer (PIO), Office of the Director of Panchayat, Panjim sought certain information as stated therein in the said application.
2. The Respondent No. 1 PIO vide his letter dated 27/03/2015 requested the Appellant to visit their Office to inspect case diary/Register /case files and also vide said letter informed that no records have been maintained by their Office in tabular form as desired by him.
3. Respondent No. 1 PIO failed to provide information therefore Appellant preferred appeal before Director of Panchayat, Panjim being First Appellate Authority (FAA) , the Respondent No. 2 herein and the Respondent No. 2 FAA passed an order dated 05/05/2015 directing Respondent No. 1 PIO to furnish the information to the appellant within 15 days from the date of order.

4. During hearing before passing of the order the Respondent No. 1 PIO vide their letter dated 27/04/2015 which was received by the appellant on 15/06/2015 requested to pay an amount of Rs. 70/- in the accounts section of their Office and then to collect Xerox/certified copies of the Register obtained by them from the Additional Director of Panchayats-II
5. Since order of the FAA was not complied by Respondent PIO and as the information was not provided to him the Appellant filed second Appeal on 08/07/2015 under section 19(3) of the RTI seeking direction as against Respondent PIO for furnishing the information free of cost and for refunding Rs. 70/- collected illegally.
6. In pursuant to the notice Appellant though served remained absent. Respondent No. 1 PIO was represented by K. D. Halarnkar and also by Ms. Geeta Nagvekar. Reply came to be filed on behalf of Respondent PIO on 15/06/2016 and also on 19/10/2016. Enclosing all the Xerox copy of envelop addressed to the Appellant which was return unserved on 30/04/2015 their reply dated 27/04/2015 and 27/03/2015 given to the appellant.
7. The Respondent No. 1 Ms. Geeta Nagvekar submitted that her reply may be treated as arguments and also submitted that she is willing to refund amount of Rs. 70/- to the Appellant. On scrutinizing the records in pursuant to his application dated 26/02/2015 the Respondent have showed their willingness to furnish the documents on 27/04/2015 that to on payment of Rs. 70/- the said letter was made only after the first appeal was preferred by the Appellant before Respondent No. 2, FAA on 23/04/2015. The order passed by the FAA was on 05/05/2015. It appears from the record that said order was not complied by the PIO.
8. Once the order is passed by the Respondent No. 2 FAA who is senior in rank then PIO it was abundant duty of the PIO to abide by his direction. However, utter disregards to the said order the Respondent No. 1 PIO again failed to provide information sought for once.
9. Further glaringly it can be notice in the course of this proceedings, no explanation reason is furnished by the PIO for not complying order of FAA. It is apparent from the record that Respondent No. 1 PIO has showed negligence in his attitude towards discharge of his functions as PIO. Such conduct of then PIO is herein condemnable.
10. The RTI Act 2005 has been enacted with the objective of promoting transparency. Accountability in working of government. It empowers the citizen to keep necessary vigil on the instruments of the governance and make the Government more accountable to the govern.

PIO's should always keep in mind the objective and purpose for which the Act came into existence.

11. As per section 7 of the RTI Act the PIO on receipt of the request under section 6 shall as expeditiously as possible and in case within 30 days of the receipt of the request either provide information on payment of fees as may be prescribed or reject their request for any reasons as stated in section 8 and 9. The record shows that application of the Appellant dated 26/02/2015 was not replied within 30 days period as contemplated under the Act. Further the denial for the information is not as per section 8 and 9. Further details of fees representing of the cost of providing all the information as determined by him together with the calculation made to arrive at amount in accordance with prescribed fees have not reflected in the letter dated 27/04/2016 the said letter relied by the Respondent PIO also shows that the appellant had paid Rs. 70/- on 15/06/2015 Appellant had received some copies of the Register on the same day. However, there is delay in complying with the order of FAA. The order of FAA was passed on 5/05/2015 with the direction to provide information within 15 days from the date of order. The part of the information only came to be provided to the Appellant on 15/06/2015. In other words the order of the FAA has not been complied within time specified by the FAA. The injustice caused to the Appellant to some extent can be resolved with the direction to refund the amount.

12. In the above given circumstances following order is passed.

- a) Respondent PIO is directed to furnish complete information sought by the Appellant vide his application dated 26/02/2015 within fifteen days from the date of receipt of this Order free of cost by Register A.D. and then to produce on record the acknowledgment.
- b) The Public authority and the Office of Director of Panchayat, Panjim have been also directed to comply with provision of section 4 of RTI Act.
- c) To refund fee of Rs 70/- to the Appellant which was collected by Respondent No. 1 , PIO on 27/03/2015 as the said application was not respondent within 30 days.

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