

GOA STATE INFORMATION COMMISSION

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

Appeal No. 93/SCIC/2015

Shri Antanio Jose De Souza,
H.No. 1/133- A Gauravaddo,
Calangute Bardez Goa.

.....**Appellant.**

V/s.

1. Public Information Officer (PIO),
Mapusa Municipal Council,
Mapusa Bardez, Goa.

... ..**Respondents**

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on: 19/08/2015
Decided on:24/01/2017

ORDER

1. Brief facts of the case are that the Appellant, Shri Antanio Juse D'Souza by his application dated 09/06/2015 sought certain information from the Respondent No. 1 Public Information Officer (PIO), Office of the Mapusa Municipal Council Mapusa Goa to his queries at Sr. No. a to e as stated therein.
2. The Respondent No. 1 PIO by his letter dated 18/06/2015 replied to the Appellant that the information cannot be given as the file is not traceable.
3. Aggrieved by the Said order of PIO the appellant filed an appeal to the First Appellate Authority (FAA) i.e. before the Director Municipal Administration at panaji on 25/6/2015 and the And the FAA by an order dated 9/07/2015 remanded the case that to PIO to deal with appropriately as well as for searching the computer system and for

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disposing off the application within a period of two weeks from the date of the order.

4. In pursuant to the order of First Appellate Authority the appellant vide their letter dated 17/8/2015 informed the appellant that the council has not issued any repair / construction permission to Mrs. Bastina Fernandes for last five years .
5. Being aggrieved by the said reply and as the information was not provided as per his RTI Application by the PIO, the Appellant have approached this Commission on 20/08/2015 by way of Second Appeal under section 19(3) of RTI Act 2005, with the prayer for direction as against Respondent PIO for furnishing the requisite information and for invoking penal provision.
6. Notice of the Appeal was given to the Parties to which the Appellant appeared in person. Present APIO Shri Vinay Agarwadekar appeared on behalf of PIO.
7. Reply/Compliance report came to be filed on behalf of PIO on 17/10/2016 informing that the information is furnished to the appellant vide their office letter dated 17/10/2016 as per the oral direction of this commission.
8. Since the appellant was not satisfied with the information which was provided to him on 17/10/2016, for additional information came to be provided to the appellant on 14/12/2016 during he hearing before this commission.
9. On subsequent date of hearing application dated 22/12/2016 which was inwarded in the office of this commission was placed before me wherein the appellant had prayed for invoking section 20(1) and (2) of the Right to Infoamation Act 2005 . The copy of the same was furnished to APIO Shri Vinay Agarwadekar and the

matter was fixed for his reply on the said application of the Appellant dated 22/12/2016.

10. On subsequent date Respondent PIO was not present nor filed reply on the application dated 22/12/2016 of the appellant.
11. During the subsequent hearing the appellant then submitted that he is satisfied with the information provided to him however he further submitted that great hardship and mental agony has been caused to him in securing the said information as such he prayed for the maximum penalty to be imposed on Respondent No. 1, PIO .
12. I have considered the arguments of appellant so also the documents available on records. Since the appellant is satisfied with the information provided to him during the hearing before this Commission, no more intervention is required as far as prayer (a) is considered.
13. Coming to the other prayer which are in nature of penal provisions. It is seen from the record that application under section 6(1) is made on 9/06/2015. The information came to be furnished only on 14/12/2016. The order of first appellate authority was not complied in toto. The first appellate authority had made observation that the appellant has clearly provided the house number and had as sought the copies of assessment which certainly will be available with the respondent council in their computer system and had directed PIO to search the document in computer system and disposed the application.
14. It is seen from the reply of Respondent dated 17/8/15 the same are not answered as per the information sought by the appellant in his RTI Application.
15. The conduct of the Respondent PIO is totally casual and mechanical. The appellant have made to run from pillars to pole in securing the

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information. Lots of his valuable time is spent in seeking the information. If Respondent No. 1 then PIO has given prompt and given correct information such harassment and detriment could have been avoided.

16. Public Authority must introspect that non furnishing of the correct or incomplete information lands the citizen before FAA and also before this Commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible, therefore some sought of compensation helps in caring this social grief.
17. Considering the conduct of the of the Respondent then PIO and his 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) Issue showcause notice to PIO , to showcause why the action for imposing penalty compensation and disciplinary action as provided in section 20(1), 19(8)(b) and 20 (2) of RTI Act should not initiated against him returnable on 21/02/2017 at 3.30. p.m.
- b) If no reply is received from the then PIO, It shall be deemed that he has no explanation to offer, the further order may be deemed fit shall be passed.

In case the PIO at the relevant time, to whom the present notice is issued, is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO

Notify the parties.

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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