

GOA STATE INFORMATION COMMISSION

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

Appeal No. 33/2017

Jawaharlal T. Shetye,
H.No. 35/A Ward No. 11,
Khorlim Mapusa Goa.

..... Appellant

V/s.

1. Public Information Officer,
Mapusa Municipal Council,
MapusaGoa.

2. First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 07/04/2017

Decided on: 26/07/2017

ORDER

1. The information seeker Shri J.T. Shetye by his application dated 5/1/2017 filed u/s 6 (1) of the right to information Act,2005 , sought inspection of records of the appointment of two Advocates whose services were engaged by the Mapusa Municipal Council from the Respondent No.1 PIO of Mapusa Municipal council, Goa .
2. The said application was responded by the Respondent No.1 PIO on 2/2/2017 thereby rejecting the request of the appellant u/s 8 (1) (J) of the RTI act, 2005.
3. Being not satisfied with the reply provided to him, the Appellant then preferred 1st appeal before the chief officer of Mapusa Municipal council on 7/2/17 who is the Respondent No.2 herein.
4. Since the Respondent No.2 FAA did not dispose the said Appeal , the appellant being aggrieved by the action of both the respondents, approached this commission on 7/4/17 by way

second appeal filed u/s 19 (3) of the RTI Act,2005 on the grounds set out in the memo of Appeal .In the present appeal the appellant has sought for the inspection of files /records pertaining to the appointment of those two Advocates and for invoking penal provisions .

5. In pursuant to the notice of this commission, the appellant was present in person .Respondent No1 PIO was represented by Adv . Madhavi Salkar and Respondent No.2 was represented by Adv . A. Misquita.
6. On behalf of Respondent No.1 PIO reply filed on 21/6/17. Respondent No.2 FAA filed reply on 21/6/2017.
7. Vide reply dated 21/6/17, Respondent PIO contended that the Appellant has once again moved a similar application on 26/4/2017 under RTI Act . It was further stated that subject matter of RTI application dated 5/1/2017 and 26/4/2017 are one and the same in respect of the inspection of entire records of appointment of the two Advocates .It is further contention of the Respondent No.1 PIO that in pursuant to the said application dated 26/4/17, the appellant was called upon to do the inspection and accordingly the Appellant carried the said on 20/6/17 at around 4.p.m and then filed one more application on the same day asking for the copies of the documents inspected by him . The Respondent PIO in support of his above contention has relied upon the RTI application dated 26/4/17 and 20/6/17 and the reply dated13/6/17 .
8. Respondent No2 FAA by their reply dated 13/7/17 have contended that Shri Gurudas Desai who officiating as FAA was deputed as Returning officer for assembly elections who was busy with the election duties as such he could not hear and dispose the first appeal.
9. Arguments of the both the parties were heard .I have also perused the entire records available in the records.

10. On perusal of the records it is seen that vide application dated 5/1/17 and 26/4/17, the appellant had sought for the inspection of files pertaining to the two Advocates. From the application dated 20/6/17 filed subsequently by the Applicant himself, it could be gathered that the Appellant has carried the inspection with respect of Appointment of two Advocates namely Mrs Madhvi Salkar and A. Mesquita and sought for some documents of the said inspected files.
11. In WP (C) No. 5456 of 2011; Karamjit singh v/s state information commissioner, Punjab has held that " the information sought can be declined if the same information is already disclosed ."
12. By applying the same ratio, since the appellant has already carried out the inspection of files pertaining to two Advocates , the same cannot be granted again.
13. With regards to other prayers which are in nature of penal action also cannot be granted in view of Shri A.A.Parulekars V/s state information Judgement , as there is no cogent and sufficient evidence brought on record by the appellant to show that it was denied to him deliberately/malafides intentions by the PIO.
14. 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 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

