

**GOA STATE INFORMATION COMMISSION**

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

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**Shri Prashant S.P. Tendolkar,  
State Chief Information Commissioner**

**Appeal No.202/SIC/2010**

Shri Prakash K. Gawas,  
R/o C-1, GRP Qtrs.  
Opp. Architecture College,  
Altinho, Panaji –Goa.

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Appellant

V/s

- 1) The Public Information Officer,  
Superintendent of Police, HQ,  
Panaji –Goa.
- 2) Shri M. K. Dessai, (PIO)  
Superintendent of Police, Crime,  
Dona Paula.

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Respondents

**Filed on: 27/08/2010**

**Disposed on 04/05/2017**

**1) FACTS:**

- a) It is the case of the appellant that by his application, dated 07/04/2010 filed under section 6(1) of The Right to Information Act 2005(Act) sought certain information from Superintendent of Police (HQ), the Respondent No. 1, PIO. The said application was transferred by respondent No.1 to the respondent No.2 to furnish the information at points (ii) to (vi) therein.
- b) That the said application was rejected by respondent No.2 and the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2.
- c) That the First Appellate Authority (FAA) by order, dated 28/07/2010, allowed the said appeal and directed respondent No.2 to furnish the information within 20 days.

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- d) According to the appellant, thereafter the respondent No.2 furnished misleading and incomplete statement by stating "NIL".
- e) The appellant has therefore landed before this Commission in this second appeal under section 19(3) of the act.
- f) Notices were issued to the parties, pursuant to which they appeared. The Respondent No.1 filed his reply on 15/11/2010, whereas the Respondent No.2 filed his reply on 22/10/2010.
- g) The matter was not taken up for hearing after 20/04/2011, but by issuing fresh notice to the parties the same was taken up for hearing afresh. After appearing before the Commission, on 01/03/2017, the appellant submitted that the information as was sought from respondent No.1 has been received by him and that he is not seeking any reliefs against him in this appeal.
- h) On 09/03/2017, when the matter was taken up for arguments, appellant submitted that in case he gets the information at point (vi) of his application, dated 07/04/2010, he would not be interested in any further information. According to APIO Shri Braz Menezes, in respect of crime No.81/2008, which is the subject matter of said point NO. VI, is still under investigation and hence same cannot be furnished and hence APIO was directed to file affidavit accordingly. On the subsequent date the APIO filed a reply narrating therein the sequence of events inter alia submitting that by order, dated 18/03/2017, P.I. Crime branch has been directed to file chargesheet. As appellant was absent no confirmation could be sought on that day. Hence on the subsequent date of hearing further submissions were heard, to which the appellant submitted that the information and clarification as is furnished to him before this Commission is satisfactory and that no further information is required. However he submitted that had the same information been furnished earlier he would have saved time and money. He therefore submitted that the appeal can be disposed with appropriate remarks.

**2) FINDINGS:**

- a) As the appellant confirms that the information due is received by him, no intervention of this Commission is required for the same.
- b) For the purpose of considering the aspect of penalty, when inquired with the parties, I am informed that the then PIO of respondent No.2, viz one Shri Mangaldas Desai, has retired and is no more in service. Hence considering the same, I am unable to consider the issue of imposition of penalty on a retired PIO as the retirement benefits are beyond the scope of attachment. Considering the above nothing survives in the appeal.
- C) Before parting with the matter, I express my concern over grievance as put forth by the appellant. The respondent No.2, while replying the application under section 6(1) of the act had replied the application in a casual manner as "NIL". Such a casual approach is uncalled for under the act. A responsibility is cast on PIOs to disclose and furnish information. I expect that the public Authority and the officers constituted by it under the act, shall follow the same and render assistance to implement the act to achieve the aims and objectives with which it is framed.

With the above observations and considering the circumstances I dispose the present appeal with the following:

**ORDER**

The appeal is dismissed. The right of appellant to seeks further information, if any, are kept open. Proceeding closed.

Notify the parties.

Pronounced in open proceedings.

Sd/-

**(Mr. Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa

