

GOA STATE INFORMATION COMMISSION

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

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

Appeal NO. 75/SCIC/2016

Shri Lindo J. Furtado,
H. No.51, Copelwado,
Sernabatim, Salcete-Goa.

..... Appellant

V/s

1) The Public Information Officer,
Dy. Collector & SDO,
Salcete –Goa.

2) The First Appellate Authority,
Addition Collector –I,
Margao-Goa.

..... Respondents.

Filed on: 03/05/2016

Disposed on: 03/07/2017

A) FACTS

1) The appellant by his application, dated 07/04/2015 filed under section 6(1) of the Right to Information Act (Act for short) sought information pertaining to the payments made towards the award dated 10/03/1999 in respect of certain lands acquired at village SernaBatim. The information sought were the details of the cheque amount, names of the persons who received the amount alongwith the identity proof furnished and copies of the notices issued under section 9 and 10 of the land acquisition act. The same application was responded by PIO, Dy. Collector-I on 16/04/2015, informing the appellant that the application is not clear and to attend the office with clarification alongwith copy of the notice under section 4 of the Land Acquisition Act.

2) According to appellant he attended on 25/05/2015 and furnished the details pertaining to the said acquisition proceedings. On realizing that the requested information was held by the PIO herein i.e. Dy. Collector & SDO, the said PIO, Dy. Collector-I in exercise of powers u/s 6(3) of the act, transferred the said application to the PIO herein.

3) On receipt of the said application, the PIO herein by his letter dated 09/07/2015 informed the appellant that the award, in which the information was sought, is not traceable and that the same would be furnished after the same is traced.

4) Being aggrieved, the appellant preferred first appeal to the respondent No.2, under section 19(1) of the act, who by order, dated 23/02/2016 disposed the same directing the respondent PIO to trace the file and furnish the information .

It is contention of the appellant that the PIO till date has not furnished the information and hence the present appeal.

5) Notice of the appeal was issued to the parties. The appellant appeared. The representative of the PIO appeared initially on 24/3/2017 but none appeared on behalf of the PIO on subsequent dates of hearing. No reply was filed by the PIO inspite of granting opportunities.

B) FINDINGS :

6) In view of the absence of the PIO inspite of opportunities, the submissions of the appellant were heard. It is the contention of the appellant that the information as is sought is purposely hidden from him and not furnished to him with apprehension of exposing illegality committed by the respondent public authority and its officers. He further submitted that the information is refused on a false ground of non traceability of the file only to hide the information. The appellant further submitted that the file

is infact in the records of the authority and purposely hidden from him. Appellant thus requested for a direction to furnish information and also for disciplinary proceeding against Respondent No.1.

7) The respondent PIO has not rebutted the contention of the appellant by filing any reply. The PIO has also not disclosed as to what efforts are taken to trace the file and any further action if any are taken. Considering the conduct of the PIO and the fact that there is no material to substantiate that the file is not traceable, I am unable to hold that the information cannot be furnished to the appellant. I find force in the submissions of appellant that the information is avoided on a false plea of non traceability of file.

8) Considering the above facts and circumstances, I find that the PIO has deliberately withheld the information from being dispensed to the appellant. Such an act requires that the information is ordered to be furnished and also impose penalty on the PIO as provided u/s 20 (1) and /or 20(2) of the act. I therefore find merits in the appeal and consequently the same has to be allowed, which I hereby do with the following:

ORDER

The PIO, office of Dy. Collector and SDO, Salcete, Margao, Goa shall furnish to the appellant, free of cost, the entire information as sought by him vide his application, dated 07/04/2015, within a period of FIFTEEN DAYS from the date of receipt of this order.

The **then PIO** is hereby directed to show cause as to why penalty of Rs. 250/- per day for the delayed period should not be imposed on him in terms of section 20(1) and/or recommend disciplinary proceeding against him in term of section 20(2) of the act.

The reply to notice to be filed on 17/08/2017 at 10.30 a.m.

Appeal disposed off accordingly.

Notify parties.

Pronounced in open Proceedings.

Sd/-

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