

GOA STATE INFORMATION COMMISSION

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

Appeal No. 83/SCIC/2016

CORAM : Prashant S. Prabhu Tendolkar
State Chief Information Commissioner

Shri Hussansab Chapparband

r/o. H. No. 1/953, (15),
Indira Nagar, Chimbhel,
Tiswadi – Goa.

..... **Appellant**

V/s

1. The Public Information officer,

Secretary, V.P. Chimbhel,
Tiswadi – Goa.

2. The First Appellate Authority,

Block Development Officer,
Panaji – Tiswadi – Goa.

..... **Respondents**

Filed on :11/05/2016
Disposed on : 11/04/2017

1) FACTS IN BRIEF :

- a) The Appellant herein by his application, dated 25/11/2015 informed the Respondent No.1 that he has sent reminders and that till date the Respondent No.1 has not granted NOC and called for the reason.
- b) The said application was replied on 14/12/2015 informing that the said application does not come under the Act.
- c) It appears that on 20/01/2016 Appellant represented to the Respondent No.2 narrating the list of certain documents apparently filed by him and seeking for the results.
- d) From the copy of the roznama of the proceedings before B.D.O.

salcette, it is seen that the same was disposed off on 18/02/2016 on the bases of submissions.

The Appellant has therefore landed before this Commission in this proceedings purportedly as second appeal u/s 19(3) of the Act.

- e) Notices were issued to the parties, pursuant to which they appeared. Adv. A. Conto for PIO on 04/04/2017 filed reply to the appeal . He submitted that his reply be treated as his submissions. Submissions of Appellant were heard.
- f) Appellant submitted that he had submitted application to the panchayat for NOC for water and electricity connection for house but till date the same are not issued. That by his letter dated 25/11/2015 he has sent a reminder to Village Panchayat asking as to what additional documents are required. That as NOC was not issued he filed letter to B.D.O. who has not ordered to issue of NOC and hence he has approached this Commission.

2) FINDINGS :

- a) I have perused the records and proceedings. The proceedings starts by the application dated 25/11/2015 of the Appellant. By said application the Appellant represents to the V.P. Secretary that he is sending reminder, which till date have not granted NOC and to state the reasons for the same.

He further states in his said application that inspite of submitting documents the Secretary is asking for further documents.

- b) On perusal of the relief/ request in said application, it appears that the Appellant has a grievance for non grant of NOC by

Secretary and that he wants to know the reason for the same. The said application is thus not for information but is in the nature of a Complaint against the Secretary for not granting NOC.

- c) The said application was replied by PIO on 14/12/2015 informing that the said application is not coming under the RTI Act. I find the reply to be appropriate. The reason for any action of public authority or a complaint against any officer does not fall under the ambit of RTI either u/s 6(1) or for adjudication by Commission, either u/s (18) or (19) of the Act.
- d) The first Appellate Authority, while dealing with the appeal also has observed the same and has concluded rightly, while disposing the appeal.
- e) In the background of the above facts I find that no interference of the Commission is warranted as the grievance of the Appellant as is sought to be redressed by the said application, dated 25/11/2015 is not redressable under the Act. In the circumstances this proceedings, purportedly filed as second appeal, is also liable to be dismissed. The appeal is therefore disposed with following :

ORDER

The appeal is dismissed. The order of F.A.A., dated 18/02/2016 is upheld.

Notify the parties.

Proceedings closed.

Pronounced in open proceedings.

Sd/-

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