

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

Complaint No. 16/SCIC/2017

Shri Bandhagit Nadaf,
No. 9, 3rd Floor, Paes Avenue Bldg.,
F.L. Gomes Road, Vasco- Da-Gama, Goa. Complainant

V/S

1. The Public Information Officer,
O/o Shree Susenashram Vidyalaya School,
Jetty-Mormugao- Goa.
2. The First Appellate Authority,
Shri M.G.D"Souza,
Dy. Director of Education,
South Education Zone, Margao – Goa. Respondents

Filed on : 26/05/2017

Disposed on: 31/10/2017

1) FACTS:

The complainant herein by his application, dated 07/01/2017 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under several points therein.

The said application was replied on 10/02/2017. Informing the complainant to visit the office of PIO between 02.00 pm to 04.30 pm from 13/02/2017 to 17/02/2017 to inspect the file and collect the required information on payment of charges. However according to complainant the information as sought was not furnished and hence the Complainant filed first appeal to the respondent No.2.

...2/-

c) It is the contention of complainant that the FAA did not issue any notice of hearing and has not disposed the first appeal.

d) The complainant has therefore landed before this commission by way of complaint u/s 18 of the act.

e) Notices were issued to the parties, pursuant to which PIO and FAA appeared. The PIO on 27/09/2017 filed a reply to the appeal . Complainant remained continuously absent and hence submissions of PIO were heard.

FINDINGS:

a) Though the complainant has filed the present complaint, I find no grounds for the complainant to approach this Commission. Section (18) of the act grants right to the complainant to file complaint u/s 18 in the circumstances as set out therein. In the present cause the complainant has filed the application u/s 6(1) and in response to it the PIO has offered the information on inspection and on payment of charges. The same is never refused.

Thus no right is accrued to the complainant to file the present complaint. The complainant is silent as to why he failed to inspect and collect information inspite of the said response dated 10/02/2017. In any case the complainant assumes that there was refusal, which is not so.

b) The Complainant has a grievance against the FAA as according to him he failed to fix next date of hearing in the first

appeal. A perusal of the annexures to the complaint shows that the FAA has infact issued a notice of first appeal on 22/03/2017 and hearing was fixed on 31/03/2017 at 04.30 pm. Hence I find no force in the contention of complainant that the FAA has failed to fix date for hearing. In fact as the information was offered by PIO the complainant had no cause of action to file first appeal. Such exercise of complainant lacks bonafides.

c) Considering the above situation I find no grounds to allow the complaint. I therefore decide the same with following.

O R D E R

The complaint is dismissed. Notify the parties. Proceedings closed.

Pronounced in open hearing.

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