

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

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**Complaint No.530/SIC/ 2010**

Engineer Rabindra A. L. Dias,  
Dr. Pires Colony, Block "B",  
Cujira, St. Cruz, Tiswadi –Goa.

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Complainant.

V/s

1) The Public Information Officer,  
O/o the Goa Medical College & Hospitals,  
Bambolim –Goa.

2) The First Appellate Authority,  
O/o Goa Medical College & Hospital,  
Bambolim –Goa.

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Opponent.

**CORAM**

**Shri Prashant S.P. Tendolkar**, State Chief Information Commissioner,  
**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on : 14/9/2010**

**Disposed on:13/1/2017**

**1) FACTS:**

a) The complainant herein by his application, dated 27/1/2010 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the PIO, office of Goa Medical college & Hospital, Bambolim Goa.

b) Based on the records and though not pleaded by the complainant, it is seen that the said application was responded by PIO vide reply dated 22/2/2010 wherein the complainant was asked to collect the information on payment of Rs.150/- as the fees. The complainant has not referred to the said reply in the complaint. However as per the endorsement of the complainant on the said reply , which is dated 19/3/2010, he has received the copies of the information under protest. He has also made certain endorsement on

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the said reply regarding the location of the cash counters for payment of fees. It is also endorsed by the complainant that the "sou moto" inspection of records was made available at the time of collecting the information.

c) The complainant, without disclosing any grounds on 27/3/2010 file a first appeal to the sole respondent herein and seeking direction to the dealing hand to make available the copies sought and refund "anomalies extorted" and penalize him for not abiding the provisions of the act.

d) It is the contention of the complainant that the first appellate authority has not passed any order and has therefore landed before this commission by this complaint. In the complaint though the complainant has initially joined PIO as party respondent no.1 he was latter dropped and the complaint is therefore filed against the first appellate authority.

e) Notices were issued to the parties, pursuant to which they appeared. The First Appellate Authority filed the reply on 21/03/2016, the complainant also filed his written submission.

f) In the reply filed by the First Appellate Authority it is contended that it has passed the order in the first appeal which was dispatched on 31/03/2010. A copy of the said order is also inwards in this Commission on 27/01/2016.

### **3) FINDING:**

a) At the outset it is noted that the complainant has no grievance against the PIO and hence he has not joined the PIO as a proceeding to the parties. The present proceeding is filed as a complaint. A

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complaint as provided under section 18 confers powers to inquire into a complaint from the complainant in respect of lapses on the part of PIO as described under section 18(1) (a) to (f) the said provision or another provisions under the Act does not contemplate any action against the FAA. In respect of any lapses including non passing of the order by the FAA. Moreover, as per the reply of the FAA filed in this proceedings and the copy of the order passed by the First Appellate Authority and filed before this Commission it is seen that it has passed an order on the said appeal. Considering the situation we find that the present complaint is not maintainable on the face of record.

b) If one consider the complaint it is seen that inspite of any grounds for the purpose of entertaining any complaint the complainant has reproduced the contents of the act in the form of tutorial. The complainant in the prayer has a grievance that the respondent i.e. the FAA has caused hardship as it has refused to hear the First appeal as per section 7(1) and (2) of the Act or section 7(8) said provision does not confer any mandate on the respondent i.e. the first Appellate Authority. Even otherwise the prayer as sought for by the complainant are totally misplaced visa viz the act.

In the aforesaid situation we find that the complainant has not made out any case and the present complaint is not entertainable under the Act and hence is liable to be dismissed.

Before we part it need mention that the First Appellate Authority in the reply has clarified with a supporting document that one of the grievance of the complainant as endorsed by him while collecting the information i.e. lack of educate arrangement for accepting the fees payable on account of information has been

addressed to. In this contents the FAA has filed on record a copy of the order dated 21/03/2016 passed by him directing all the cash counter which are number in 8 shall accept the payments from the persons seeking information. This we find is a proactive approach on the part of the first Appellate Authority i.e. the Dean of Goa Medical College to facilitate the seeker in collecting the information. Such a gesture on the part of this public authority is appreciated. We instruct the office to include the same as a success story of the Act.

In the above circumstance and with the above observation we dispose off the present complaint with the following :

**ORDER**

Complaint stands dismissed. Parties to be intimated alongwith the copies free of cost.

Pronounced in the open proceeding.

Proceedings closed.

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

Sd/-  
**(Ms. Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission  
Panaji-Goa