

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

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

Penalty No.15/2017
In
Appeal No.07/SCIC/2016

Shri Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, St-Cruz, Tiswadi-Goa. Appellant.

V/s

The Public Information Officer,
O/o The Mamlatdar of Salcete,
Margao-Goa. Respondent.

DECIDED ON :8/8/2017

O R D E R

1. While disposing the above appeal by order, dated 17/2/2017, this commission has directed the PIO to show cause as to why action as contemplated u/s 20(1) and/or 20(2) of The Right to Information Act 2005 should not be initiated against him.

2. On receipt of the said notice the PIO filed his reply interalia submitting that the application dated 13/10/2015 filed by the appellant u/s 6(1) of the act was not received by his office at any time. In support of his contentions the PIO has filed on record the copy of the inward register.

It is also the contention of PIO that the First appellate authority also has not issued any notice or any order to his office in any first appeal as no first appeal was filed by the appellant.

...2/-

The PIO thus submitted that there is no violation and denied the allegation of the appellant and prayed for dismissal of the proceedings.

3. The appellant filed his submissions and submitted that he has suffered losses as he is a disabled senior citizen and had to travel on several occasions from St. Cruz to Margao by private motor vehicle bearing registration no.GA-08-F-7091 causing loss of Rs.800/-. He annexed the copies of petrol bills of petrol dated 2/5/17 and 4/5/17.

The appellant also relied on several cases decided by CIC pertaining to the act and prayed that the compensation be granted to him.

4. I have considered the arguments and the reply and also the records. I have perused the application of the appellant, dated 13/10/2015, filed u/s 6(1) of the act. Said application is addressed to Mamlatdar of Margao, Salcette but the same was filed in the office of the Dy. Collector and SDO, Margao on 13/10/2015 and not to the Mamlatdar. This is evident from the inward stamp contained therein.

I have also perused the inward register of the office of the Mamlatdar Margao, which shows that there was no entry of the appellant's application in said office. Thus it is clear that though the appellant had addressed the said application to the PIO herein, the same was not filed to him but was file to some other office. Hence I find force in the submissions of PIO that the said application u/s 6(1) was not filed with him.

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5. The appellant had filed the copy of the memo of the first appeal. The same was inwards in the office of The Dy. Collector and SDO Margao. In the said appeal memo the details of the Public Authority, pertaining to which the relief was sought has not been mentioned. No copy of the notice issued by FAA and addressed to the parties is filed. Hence I find that the said first appeal was not taken up for hearing due to vagueness.

6. The appellant has claimed compensation and to substantiate the same has filed the bills pertaining to petrol. Firstly such claim was not raised in the appeal and secondly the said bills do not pertain to the period when the proceedings were pending before the PIO.

The orders passed by the CIC which are filed by appellant are also perused. The same are not binding on this commission being the forum with concurrent jurisdiction and not an appellate forum. Besides this the same are not on the subject as involved herein.

7) In the above circumstances I find that the grounds as given by the PIO, for non furnishing of the information, as probable and acceptable. The PIO has thus shown sufficient cause for dropping the proceedings and hence I find no grounds to invoke the powers u/s 20(1) and/or 20(2) of the act against the PIO.

In the result the notice, dated 17/2/2017 issued by this commission stands withdrawn. Proceedings are dropped.

Notify the Parties.

Pronounced in the open hearing.

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