

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

CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.

Appeal No.125/2016

Dr. Damodar T. Gaunker,
H.No.947/1, Kranti Nagar,
Penha de France,
Porvorim Goa.

....Appellant

V/s.

- 1.The Public Information Officer,**
Director of Mines & Geology,
Institute Menezes Braganza,
Ground floor Panaji Goa.
- 2. Asst. Director of Mines & Geology /PIO,**
, Institute Menezes Braganza,
Ground floor Panaji Goa .

....Respondent

Appeal filed on: 27/06/2016

Decided on: 8/03/2017

ORDER

1. Brief facts of the case are that the Appellant, Dr. Damodar T. Gaunker filed application dated 22/03/2016 under section 6(1) of the Right to Information Act, 2005 (RTI Act) seeking certain information from Respondent No. 1 Public Information Officer (PIO), Director of Mines and Geology, Panaji under the several points there in.
2. The said application was replied by the PIO, Respondent No. 2 herein on 21/04/2016.
3. However according to Appellant the information as sought was not furnished to him he preferred 1st Appeal to Respondent No. 1 herein on 22/04/2016. As no decision was given by 1st Appellate Authority within specified time, the Appellant approached this Commission by way of second Appeal under section 19(3) of Right To Information Act on 27/06/2016 with prayer as against

Respondent PIO for furnishing information and for invoking penal provision.

- 4 In pursuant to the notice the Appellant, was present in person and both the Respondent despite of due service of notice opted to remain absent nor bothered to file reply.
5. After giving opportunity to both the Respondents to file reply the arguments of the Appellant were heard.
6. In the course of hearing the Appellant submitted that information is required by him to produce it before the Lokayukta. He further submits that as per the records available in the Government Department the noting has to be done on all correspondence as such answer given by Respondent PIO vide there letter dated 21/04/2016 appears to be false.
7. Further it is contention of the Appellant that the Respondent No. 1 First Appellate Authority (FAA) have not disposed the Appeal within the time stipulated as contemplated under the RTI Act.
8. On perusal of the records it is seen that the Respondent No. 1 FAA have not disposed the appeal within stipulated time. On account of continuous absence of Respondent No. 1 FAA, no clarification could be sought from them. The conduct on the part of the Respondent PIO is in contravention against the mandate of RTI Act. Said Act came into existence to provide fast relief as such the time limit is fixed under the said Act to dispose the application under section 6(1) within 30 days and to dispose 1st appeal maximum within 45 days. The act of the Respondent No. 1 FAA is hereby condemnable. Respondent No. 1 FAA also failed to take into consideration the intent of RTI Act which came into force.
9. It is quite obvious that Appellant has suffered lots of harassment and mental agony in seeking information. He had to run from pillar to pole, lots of his valuable time is spent on seeking the information. If the Respondent No. 2 have acted very promptly there by disposing the said 1st appeal within time specified such harassment and detriment could have been avoided.
10. Since no say came to be filed by both the Respondents, I hold that averments made by the appellant in the memo of appeal

and submission made in the course of hearing are presumed to be not disputed.

11. Since the Appellant have not satisfied with the reply given by PIO under section 7(1) of RTI Act and since it is his contention that there has to be some noting in the said files I am of the opinion that the ends of justice would meet if the inspection of the said files is ordered to be given to the appellant.
12. In the aforesaid circumstances I proceed to dispose the appeal with following order:-

ORDER

- a) Respondent No. 2 PIO is hereby directed to allow the Appellant to carry out the Inspection of the files pertaining to the information sought by him vide his application dated 22/03/2016 within 30 days from the receipt of order.
- b) Respondent No. 1 First Appellate Authority is hereby directed to dispose the first appeal within time as specified under the RTI Act hence forth and any lapses in future will be viewed seriously.

Appeal disposed accordingly. Proceedings stand closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

