

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No.104/ 2016

**Jawaharlal T. Shetye,
H.No. 35/A Ward No. 11,
Near Sateri Temple,
Khorlim Mapusa- Goa.**

....Appellant

V/s.

**1. The Public Information Officer (PIO),
Directorate of Health Services,
Government of Goa,
Campal Panaji-Goa**

**2.The Deemed PIO (Raju Gawas),
Director of Administrator of Administration,
Directorate of Health Services,
Campal, Panaji Goa.**

.....Respondents

Appeal filed on: 30/05/2016

Decided on: 04/04/2017

ORDER

1. This Judgment and order shall dispose off the appeal dated 30/05/2016 filed by the appellant Shri Jawaharlal Shetye against the Respondents. As according to him the information which came to be furnished to him to his queries 1 to 8 of his RTI application dated 23/02/2016 was not as per his satisfaction and requirement.
2. In the present second appeal he has only sought for penal provision as against Respondent No. 2 deemed Public Information Officer (PIO) Shri Raju Gawas and surprisingly not for any direction for providing him information.
3. After notifying the parties the matter was listed for hearing. In pursuant to notice appellant appeared in person and on behalf of Respondent No. 1 PIO Shri Anil Kumar alongwith Advocate Atish Mandrekar appeared. The Respondent No. 2 Shri Raju Gawas appeared only on one occasion i.e. on 22/02/17 and then opted to remain absent.

4. In course of hearing on 22/03/2017 appellant submitted that he has been provided with the information on 11/04/16 and that he is satisfied with the information provided to him at point No. 1 to 6, 9 and 10. It is his further case that information at point number 7 and 8 is partly provided by the Respondent No. 1 PIO concerning his department and the second part of the information pertaining to Mapusa municipal council have not been received by him.
5. The Respondent no. 1 PIO submitted that whatever information was in custody have been provided to the appellant. The information pertaining to Mapusa Municipal council is not available with them as such the same was not provided to him. The PIO agreed to transfer the same to Mapusa municipality u/s 6 (3) of the RTI Act, to which also appellant agreed and submitted that if the same is transferred he has no any further grievance against Respondent No. 1 PIO.
6. The respondent No. 1 PIO then on 4/04/17 filed the compliance report thereby enclosing the application dated 23/03/17 made u/s 6(3) of the RTI Act to the Chief Officer Mapusa Municipal council Bardez with the request to furnish the information at point no. 7 and 8 to the appellant and the Xerox copy of the said letter and acknowledgement card was enclosed to his compliance report.
7. On perusal of the entire records, it is seen that the RTI application of the appellant dated 23/02/17 was duly responded u/s 7(1) of the RTI act by the respondent no. 1 PIO on 9/03/2016. The reply of the Respondent given u/s 7(1) of RTI Act also reflects that he has received the said information from directorate of Health Services Panjim from the deemed PIO under section 5(5) of RTI Act 2005. The copy of the information which was provided to Respondent No. 1 by Respondent No. 2, Shri. Raju Gawas was also enclosed to the said reply.

8. The records shows that order was passed by FAA on 31/03/16 and in pursuant to the said order the information is furnished to the Appellant on 11/04/16. There is conformity in the information provided vide letter dated 9/03/16 and also on 11/04/16. It is seen that the information which was available with the Respondent No. 1 concerning Directorate of Health Services have been provided to the appellant in time.
9. It is contention of the appellant as stated therein in the memo of appeal that the Respondent No. 2, Shri Raju Gawas have knowingly **furnished incorrect and misleading information** and on that ground he has sought for invoking section 20 (1) and 20 (2) as against Respondent No. 2. However no any documents are relied by the appellant in support of his above contention and as such failed to discharge his burden of having proving that respondent have furnished him the incorrect and misleading evidence with malafides intention.
10. In the above given circumstances the relief sought by the appellant u/s 20 (1) and 20(2) against respondent PIO cannot be granted
11. Matter disposed accordingly proceeding stands 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/-

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