

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No. 122 /2016

Suresh Sawant,
Field and Plant Collector,
Government College of Arts,
Science and Commerce,
Quepem-Goa.

..... Appellant

V/s.

1. Public Information Officer,
Asst. Director of Education,
Directorate of Education,
Porvorim Goa.

2. The Dy. Director of Education (Plan),
Directorate of Education,
Porvorim Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 20/06/2016

Decided on: 10/05/2017

ORDER

1. The appellant, Shri Suresh Sawant submitted an application on 8/1/16 under the RT Act 2005 seeking certain information at queries no. 1to6 from the PIO ,Asst. Director (Adm), Directorate of Education Porvorim Goa.
2. The said application responded by PIO on 7/3/2016. However according to the appellant the information of point No. 1 to 4 of the information was furnished and the information of point No. 5 and 6 as sought by him was not furnished to him, hence the appellant preferred first appeal before the FAA, Directorate of

..2/-

..2..

Education Porvorim Goa on 22/3/16 and the respondent No. 2 FAA (FAA) by an order dated 25/4/16 directed the PIO to provide the information related to point NO. 5 within 15 days by collecting it from Adm-I Section of the Director of Education.

3. Since no information came to furnished to him the appellant approached this commission by way of this present appeal on 20//6/2016 with a prayer for an direction against Respondent No. 1 PIO for the compliance of the order of the FAA and for imposing fine on PIO for furnishing the information late.
4. In pursuant to the notice the appellant appeared in person along with Advocate Nasnodkar Respondent No. 2 Dr. S, S. Ghadi appeared and filed his reply on 24/2/17.
5. I have perused the records and also considered the reply and submission of both the parties.
6. It is the contention of the appellant that the Respondent no. 1 PIO has showed the scant regards to the order dated 25/4/16 passed by the FAA , and as such the respondent No. 1 acted in a per verse manner thereby trying the suppress the information. It is the further case that till date no information has been furnished to him at point No. 5.
7. It is the contention of the Respondent PIO that their Director had moved a file bearing No. 5/236/2007-Adm-I on the above cited subject which was marked to Secretary Education and Hon'ble C.M. on 6/5/2013 which was duly acknowledged by Central Registry on 8/5/2013. It is his further contention that the said file was not received back to their Department as such the director of Education had written to the Under Secretary GAD to trace and return the file to their office at the earliest so that desired information could be furnished.

..3/-

..3..

8. The PIO had relied upon the letter dated 23/2/17 addressed to Under Secretary GAD and the copy of the Government Register showing the entry of file to secretary Education.
9. It is seen from the records the application dated 8/1/16 of the appellant u/s 6(1) of RTI Act was replied on 7/3/16. the said application ought to have replied by the PIO within 30 days as was required u/s 7(1) of the RTI Act . The order was passed by the FAA on 25/4/2016 and till date the same has not complied by the Respondent No. 1 PIO. There is nothing have been placed on record by the Respondent PIO to show that steps were taken by him, to secure the same file or in alternative to collect the said information at point No. 5 from Director of education. The letter which has been relied in their reply is dated 23/2/2017 made only during the present appeal. Such a attitude is against the mandate of RTI Act .It is quit obvious the appellant has suffered lots of harassment and mental agony in seeking information. He has been made to run from pillar to post and lots of valuable time to spend in seeking the information. It appears that he had sought a such an information in order to seeks certain reliefs perhaps from his appointing authority. If respondent No. 1 had given correct information to the appellant which he was entitle for such an harassments and detriment could have been avoided.
10. Considering this is the first laps on a part of the PIO lenient view taken.
11. In the above given circumstance I passed a following order.
 1. Respondent no. 1 PIO is hereby directed to comply with the order of the FAA dated 25/4/16 and to provide the information at point No. 5 as sought by the appellant by his application dated 8/1/2016 free of cost within 20 days from the receipt of the order.

..4/-

..4..

2. The Respondent PIO is hereby directed to be vigilant while dealing with the matter pertaining with the RTI and strictly comply with the provisions of RTI Act. Any such laps in future shall be viewed strictly.

Appeal stands dismissed .

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