

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.****Complaint No. 10/SIC/2015**

Advocate Vishal Juvenkar,
C/o. Adv. A. F. Desouza,
Anandvan, 1st Floor,
Next to Old Asilo Hospital,
Mapusa, Bardez-Goa Complainant

V/s

1. Public Information Officer (PIO),
Dy. Town Planner,
North Goa District Office, Mapuasa-
Goa
2. First Appellate Authority (FAA)/Senior
Planner, Senior Town Planner,
Mapusa-BardezOpponent

Complaint filed on: 9/03/2015**Decided on: 12/05/2017****ORDER**

1. This order disposes the Complaint filed by the Complainant Shri Vishal Juvenkar on 9/03/2015.
2. In pursuant to notice of this Commission. The Complainant appeared in person. The Respondent Public Information Officer (PIO) was represented by Advocate Shushant Korgaonkar who filed reply on 5/04/17. Copy of the same was furnished to the Complainant.
3. Arguments were advanced by both the parties.
4. It was submitted by the Complainant that despite of the order Respondent No. 2, First Appellate Authority (FAA) no information was furnished to him as such he was constrained to file second appeal before this Commission which was register as Appeal No. 34/2015 and in the course of the said Appeal proceedings, the information was furnished to him that too only in the year 2016. It

is further case that no efforts were put by then PIO K. Ashok Kumar in furnishing the information.

5. It is case of the Respondent PIO that even before the Order of the FAA, he had issued an Office Order dated 3/02/2015 directing technical Official to locate the said application. It is further case that he was transferred on 24/09/2015 and thereafter file was located by his successor and information is furnished to the appellant by his Successor on 22/09/2016. It is further case that FAA did not impose on him a time frame to furnish the information.
6. On scrutiny of the records it is seen that Office Order dated 3/02/2015 is prior to the order of the FAA. The Then PIO K. Ashok Kumar have not placed on record the steps taken by him for tracing the said file after the order of FAA. Since order of FAA reveals that there was directions to Respondent PIO to issue within 4 days an Office order to concern Official to put all efforts to locate concern application from the Office record and make available required information to the Appellant immediately once the file is located from record, then PIO has not produce any letter/Office Order made in pursuant to said order of FAA as such it can be safely presumed that then PIO has not taken steps to comply with the order of FAA dated 5/02/2015. There is delay of about 1 and ½ years in furnishing the information after the Order of FAA.
7. The PIO cannot take shelter of the fact that no time limit was fixed by the FAA for furnishing the information. The very intents of RTI Act is to provide fast relief to the information seeker as such time limit under section 7(1) have been fixed under the Act.
8. In the present case the Complainant had made to run from pillar to post in securing information and lots of valuable time have been lost in pursuing the same. The conduct on the part of PIO is condemnable and against the mandate of RTI Act.
9. The Complainant was gracious enough and submitted to take lenient view in present Complaint as his motive was to seeking information and the same have been already achieved by him showed his desire not to proceed with the present Complaint. Inview of the submission of the Complainant, a lenient view is taken in the entire issue. The then PIO have been hereby directed to be vigilant hence forth while dealing with the RTI applications as the very objective of the Act is to bring transparency in the

Government functioning and any future lapses on the part of the PIO will be viewed seriously henceforth.

10. Complaint stands disposed accordingly. Proceedings 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 under the Right to Information Act 2005.

Sd/-

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

Kk/-