

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 210/SIC/2016

Jawaharlal T. Shetye,
H.No.35/A, Ward No.11
Near Sateri Temple,
Khorlim, Mapusa – Goa.
403 507

..... **Appellant**

v/s

1.Public Information Officer,
The Head Clerk (Uday Salkar),
Mapusa Municipal Council,
Mapusa - Goa.

2.First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa–Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 02-04-2018

Date of Decision : 02-04-2018

ORDER

1. Brief facts of the case are that the Appellant vide an RTI application dated 04/07/2016 sought certain information on 18 different points from the Respondent PIO, Mapusa Municipal Council under section 6(1) of the RTI Act.
2. The Appellant is *inter alia* seeking certified copies of: letter received from Directorate of Transport addressed to the Member Secretary, North Goa Planning and Development Authority Panaji vide No. D.t.pt/EST/F-278/2015/2455 dated 16/07/2015; letter dated 30/09/2015 received from G-SUDA Panaji regarding guidelines has been detailed for Swatch Bharat one year Anniversary with objection; letter No. S.X. H.S.S./2015-16/GS/756 dated 04/11/2015 received from Manager Mr. Herculano Correia, St. Xavier's Higher Secondary School; letter sent to G-SUDA for providing dressing rooms and toilet blocks to the St. Xavier Higher Secondary School; application received from Shri Ulhas Hirve, requesting to name the road after his father Tukaram V. Hirve and other such information. ..2

3. It is the case of the Appellant that since he did not receive any information from the PIO within the mandated 30 days period, he filed a First Appeal on 05/08/2016 and finding that the First Appellate Authority (FAA) has not passed any Order, the Appellant thereafter filed a Second Appeal before this Commission on 04/10/2016 and has prayed to direct the PIO to furnish the information sought without any further delay and for passing appropriate strictures against FAA for dereliction of duty, for compensation and other such reliefs.
4. This matter has come up before the Commission on several previous occasions and is thus taken up for final disposal.
5. During the hearing the appellant is absent, however he has sent two letters to the commission. In the first letter dated 10/02/2017, the appellant states among other things that the Appeal may be decided on the merits of the case and Order pronounced be delivered to the Appellant by post letter. In the second letter dated 24/03/2017, the Appellant has requested to transfer the above case before the court of the Chief Information Commission on the ground that he is a Senior Citizen of 67 years of age and there are more than 60 cases filed by him before the Goa State Information Commission and hearings are in progress before the court of CIC and SIC and that many a times the hearings are kept in the morning sessions and in the evening sessions on the same day which is causing lot of inconvenience to attend the same hearing.
The Respondent present PIO, Shri Shivram Vaze, Account Taxation Officer is present in person alongwith Shri. Vinay Agarwadekar, UDC, O/o Mapusa Municipal Council.
6. At the outset the PIO objects to the transfer of appeal case by submitting that a mere ground of being a senior citizen and inconvenience is not a proper ground for transferring of the matter more so as the appellant has himself by his letter dated 10/02/2017 requested the Commission to dispose the case on merits. ...3

7. The PIO files his written objections dated 02/04/2018 which is taken on record. The PIO further submits that the Appellant has approached the Commission with unclean hands by concealing the facts that the PIO has not furnished any information when on the contrary a reply dated 03/08/2016 was sent as per section 7(1) to the Appellant in response to his RTI application dated 04/07/2016. The PIO furnishes a copy of the said reply before the Commission which is taken on record.
8. The PIO finally submitted that the First Appellate Authority (FAA) had scheduled the hearing of the first Appeal on 16/09/2016 and that the Appellant had sent a letter stating that he will not appear before the First Appellate Authority (FAA) and the FAA proceeded with the hearing and passed an order dated 05/11/2016. The PIO furnishes a copy of the said Order before the Commission which is taken on record.
9. The Commission on perusing the material on record and also on going through the Order of the First Appellate Authority (FAA) dated 05/11/2016 observes that the FAA has directed the PIO to furnish the information to the Appellant free of cost within 15 days without fail. The Commission on questioning the PIO as to why the information has not been furnished despite the Order of the FAA and why penalty proceedings should not be initiated for causing delay, the present PIO Mr Vaze submits that it was the responsibility of the earlier PIO, Mr. Uday Salkar to have furnished the information, however the former PIO has since retired from active service since February, 2018.
10. The Commission accordingly directs the present PIO to furnish the information on all 18 points of the RTI application as is available with the public authority within 20 days of the receipt of the Order by Registered A.D directly to the appellant. The PIO will also send one copy to the commission. ...4

11. It is seen that although the First Appeal was filed on 05/08/2016, the First Appellate Authority has passed an Order on 05/11/2016 and there is a delay of almost 50 days. The First Appellate Authority is hereby cautioned to be diligent in future while dealing with First Appeals which should be disposed off in a time bound manner as prescribed under the RTI Act.
12. As the former PIO who has dealt with the RTI application has retired from the services of the public authority the Commission is unable to initiate any action against him. However the present PIO should ensure that all RTI applications received by him are dealt with in a time bound manner.
13. The Commission also recommends that this public authority in view of it receiving large number of RTI applications should endeavour to have an RTI cell with adequate staff under the PIO's so as to deal with the increasing number of RTI applications in a time bound manner for the effective implementation of the RTI act.

With these directions the Appeal case stands disposed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-
(Juino De Souza)
State Information Commissioner**

