

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

Appeal No 167/2017/SIC-I

Shri Mahesh Kamat,
101, "Blossom",
CD Seasons Cooperative Housing Society,
Murida, Fatorda, Goa.

....Appellant

V/s

1. Shri Sanjay Ghate,
The Public Information Officer (PIO),
Kadamba Transport Corporation Ltd.,
Pariso De Goa Building, Porvorim Goa.

2. Shri Derrick Neto,
First Appellate Authority (FAA),
Kadamba Transport Corporation Ltd.,
Pariso De Goa Building, Porvorim Goa.

.....Respondents

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

Filed on: 11/10/2017
Decided on: 12/03/2018

ORDER

1. The appellant Shri Mahesh Kamat herein by his application dated 28//6/2017 filed under section 6(1) of Right to Information Act, 2005 sought certain information from the Respondent No. 1 Public Information Officer (PIO), of Office of KTCL, Porvorim on 9 points as stated therein in the said application.
2. The Respondent PIO vide his reply dated 26/7/2017 provided him information on all points.
3. Being not satisfied with information provided to him the appellant preferred first appeal before the respondent No. 2 on 4/8/2017 under section 19(1) of the RTI Act, 2005. The Respondent no. 2 by a judgment dated 14/9/2017 dismissed the said appeal of the appellant .

4. It is the contention of the appellant that vide his letter dated 26/9/2017 addressed to Managing director and first appellate authority brought to their notice that he had not passed order with reference to point 7 and 8. But the respondent No. 2 First Appellate Authority did not take cognizance of his above letter.
5. Being aggrieved by the response/action of both the Respondents the present appellant approached this commission on 26/8/2017 by way of second appeal filed under section 19(3) of the RTI Act 2005, there by seeking direction to the respondent PIO for furnishing him correct information and for also directions against the Respondent No. 2 first appellate authority for passing appropriate order on his first appeal with respect to point 7 & 8 and for invoking penal provision against PIO .
6. In pursuant to notice of this commission, the appellant appeared in person. Respondent No. 1 PIO Shri Sanjay Ghate appeared. On initial hearing Respondent no. 2 Shri Derrick Neto was present.
7. Both first appellate authority & PIO filed their respective reply on 29/11/2017. The copy of the same is furnished to the appellant.
8. In the course of the proceedings the appellant submitted that he is not satisfied with information furnished to him at point no. 7 & 8 as according to the appellant substitute information have been furnished to him by PIO and the Respondent no. 2 first appellate authority have failed to consider the same. The PIO Shri Sanjay Ghate showed his willingness to provide the clarification on point No.7 & 8 and accordingly on 19/2/2018 the same came to be furnished to the appellant thereby enclosing the extract of Swamy's disciplinary proceedings (page No. 206 para 11).
9. Written arguments came to be filed by appellant on 5/3/2018. The appellant on 12/3/2018 submitted that the PIO has provided him the information in compliance to the requirement at point 7 and 8. He

further submitted that he is not pressing for penal provision as against PIO.

10. Since the information at point no. 7 & 8 is furnished to the appellant I find that no intervention of this commission required thereto .
11. The Commission observe that the first appellate authority have not come to any findings with regards at point No. 8 . As according to appellant , the information was vital to him for challenging his dismissal from service and which order of dismissible was issued by first appellate authority himself. Considering this submission, I find it right that first appellate authority should have decided the appeal in its true spirit by considering intents of RTI Act, 2005.
12. In the above given circumstances, I find no reasons to proceed with the present appeal.

Appeal 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 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

Ak/-