

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

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**Appeal No 18/2018/SIC-I**

Shri Savio Suraj Victoria,  
Add. 28, Khairikatem,  
Sanguem- Goa .

....Appellant

**V/s**

1) The Public Information Officer (PIO),  
Our lady of Fatima High School,  
Rivona, Goa.

2) First Appellate Authority (FAA),  
The Central Education Zone,  
Directorate of Education,  
Panaji Goa.

.....Respondents

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

**Filed on: 12/01/2018**  
**Decided on: 02/04/2018**

**ORDER**

1. The appellant Shri Savio Suraj Victoria herein by his application dated 20/9/2017 filed under section 6(1) of Right to Information Act, 2005 sought certain information from the Public Information Officer (PIO), Office of ADEI, Directorate of Education, Sanguem, Goa, as stated therein in the said application.
2. According to the appellant the PIO of ADEI office transferred the said application on 20/9/2017 u/s 6(3) to the Respondent No. 1 PIO, Our Lady of Fatima High School, Rivona with the request to supply the said information directly to the appellant.
3. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1<sup>st</sup> appeal on 16/11/2017 before the Deputy Director of Education, Panajim, Goa, being First Appellate Authority (FAA) who is the Respondent No. 2 herein.

4. The Respondent No. 2, The First Appellate Authority by an order, dated 14/12/2017, allowed the said appeal and directed PIO to furnish the information as sought by the appellant vide his application dated 20/9/2017 within 3 days, free of cost, from the date of receipt of the order.
5. It is contention of the Appellant that the Respondent PIO did not comply the order of the First Appellate authority and as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act 2005 on 30/12/2017.
6. Notices were issued to both the parties. In pursuant to which appellant was present in person. Respondent No. 1 PIO was represented by Advocate Atish Mandrekar.
7. On 6/3/2018, the Advocate for the Respondent submitted that the PIO is willing to furnish the required information to the appellant based on the available records and the Advocate for Respondent also undertook to remain present at Our Lady of Fatima High School, Rivona at the time of furnishing said information to the appellant by the PIO and the tentative date for the inspection and for the furnishing information was fixed on 13/03/2018.
8. Advocate for Respondent PIO placed on record letter addressed to appellant dated 16/03/2018 providing pointwise reply/available information to the appellant. Copy of the same was furnished to the appellant.
9. On verification of the information, the appellant submitted that the information furnished to him as per his requirement and that he has no any further grievance in respect of information furnished to him. However he pressed for the penal provisions.
10. I have scrutinized the records available in the files so also considered the submissions of both the parties.

11. Prima facie it is seen from the records that the application u/s 6(1) of the RTI Act filed before PIO, on 20/9/2017, the Respondent No. 1 PIO did not bother to reply the same leave aside furnishing the information.
12. It is seen from the records that the order was passed on 14/12/2017 by the first appellate authority and till date the same has not been complied by Respondent PIO.
13. From the records it is found that the first time the information furnished by the present PIO on 2/4/2018 and as such there is a delay on approximately about 5 months in furnishing the information.
14. From the conduct of PIO it can be clearly inferred that the PIO has no concern to his obligation under RTI Act. It is also clear that PIO has no respect to obey the orders passed by his senior officers.
15. Once the order passed by the first appellate authority who is the senior in rank than PIO, there is no option with the PIO and he has to comply the order unless it is challenged with the appropriate forum.
16. The Right to Information Act 2005 has been enacted with objective of promoting transparency and accountability in working of Government. It empowers citizen to keep necessary vigil on the instrument of the Governance and makes the Government more accountable to the govern. The Act is a big step towards making the citizen informed about the activities of the Government.
17. From the provision of the RTI Act, it indicates that entire responsibility in providing information sought rest on PIO and non compliance of mandate makes PIO liable for penalty action. The conduct of PIO herein appears to be suspicious and adamant vis-à-vis the intend of act in bringing transparency in the affairs of public authorities
18. Considering the conduct of then PIO and indifferent approach to the entire issue I find substance in the contention of the appellant that the PIO purposely and malafidely refused access to the information.
19. In the above given circumstances I dispose this appeal with following order.

## ORDER

1. Appeal partly allowed.
2. Information being furnished to the satisfaction of appellant, I find no intervention of the commission is required thereto.
3. Issue show cause notice to PIO as to why no action as contemplated u/s 20(1) of the RTI Act 2005, should not be initiated against him, for not responding the application of the appellant in terms of section 7 , for delaying the information and for not complying the order of First appellate authority returnable on 19/4/2018 at 3.00 Pm.
4. In case the PIO at the relevant time , to whom the present notice is issued is transferred , the present PIO shall serve this notice along with the order to him and produce the acknowledgment before this commission or before the next date fixed in the matter along with the full name and present address of the then PIO

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/-