

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

Appeal No. 12/2018/SIC-I

Shri Jesus Victoria,
Add. 28, Khairikatem,
Sanguem- Goa .

....Appellant

V/s

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

2) First Appellate Authority,
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. An application dated 28/8/2017 was filed by the appellant Shri Jesus Victoria seeking certain information under the Right to Information Act, 2005 on various points from 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 31/8/2017 u/s 6(3) to the Respondent No. 1 PIO of Our Lady of Fatima High School, Rivona, Sanguem Goa, with the request to supply the said information directly to the appellant.
3. The said application was not responded by the Respondent No. 1 PIO within a time, as such deeming the same as refusal, the appellant filed first appeal on 8/10/2017 to the Respondent No. 2

4. The Respondent No. 2, The First appellate authority by an order, dated 10/11/2017, dismissed the said appeal on account of absence of both the parties .
5. Being aggrieved by the response of both the Respondent, the appellant approached this Commission on 28/12/2017 by way of second appeal filed under section 19(3) of the RTI Act 2005.
6. Notices were issued to both the parties. In pursuant to which appellant was represented by Shri Savio Victoria . Respondent No. 1 PIO was represented by Advocate Atish Mandrekar.
7. In the course of the hearing the PIO offered to the appellant the information as was sought by him 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 13/3/2018
8. Advocate for Respondent PIO on 02/04/2018 placed on record letter dated 16/3/2018 addressed to appellant, thereby enclosing the copies of available information. Copy of the same was furnished to the representative of appellant.
9. On verification of the information, the representative of 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. It is the contention of the appellant that Respondent nO. 1 PIO has violated the provisions of the act by not furnishing the information in time as such he should be penalized u/s 20 of the Act
11. Coming to the other aspects of appeal, it is seen that application was filed by the appellant on 28/08/2017. The said application was not responded by the Respondent PIO within time as contemplated under RTI Act. Under section 7(1) of the RTI Act. PIO is required to respond

the same on or before 30th day. In the present case, it is found that the PIO has not responded to the application of the Appellant with the said stipulated period either by furnishing the said information or rejecting the request. It is also not the case of PIO that the information has been furnished to the Appellant or that he has responded to his application. The PIO has not given explanation for not responding the said application. From the records it is found that the 1st time the information furnished by the present PIO on 02/04/2018 and there is delay of approximately about 6 months in furnishing the information.

12. I prima facie find that PIO has failed to furnish the information within stipulated time. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. Above circumstances leads me to prima facia hold that this action of PIO attracts penalty under section 20 of the Act. However before imposing any penalty an opportunity is required to given to explain his version.
13. In the circumstances, I pass the following order.

ORDER

1. Appeal is partly allowed.
2. No intervention of this commission in required for the purpose of furnishing information.
3. Issue showcase notice to Public Information Officer u/s 20(1) and 20(2) of the RTI Act, 2005 for not responding the application u/s 7 and for delaying the information.
4. Matter fixed for reply of Respondent PIO on show cause notice 19/4/2018 at 3.00 a.m.

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/-