

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

Appeal No.131/2015 /SIC-I

Ms. Lida Joao,
r/o H.No. 390,
Baga, Velim Salcete
Goa.

..... Appellant

V/s.

1. Public Information Officer,
District and Session Court,
South Goa Margao Goa.

..... Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 22/12/2015

Decided on: 02/04/2018

ORDER

1. The appellant, Ms. Lida Joao, has filed this appeal praying that Respondent PIO be directed to furnish her the Information as sought by her free of cost, for directions of conducting inquiry for the loss of the information and for invoking penal provisions.
2. The brief facts leading to present appeal are that the appellant, vide her application dated 7/1/2015 sought certain information under the Right to Information Act, 2005 (RTI Act for short) from the public information officer of the District and Session court, South Goa at Margao.
3. According to the appellant the said was responded by respondent PIO on 23/1/2015 inter alia requesting the appellant to give specific details in respect of (a) and the (b) of the application dated 7/1/2015 to provide the information.
4. According to the appellant vide her letter dated 31/1/2015 she provided the details with reference to the two suits namely regular civil suit No. 118/98/C and RCS 765/00/C.

5. According to the appellant Respondent thereafter furnished the information at serial No. 2,3 (part),4,6 ,8 and 9 of the above mentioned letter dated 31/1/2015 to her . However it is the case of the appellant that the PIO failed to provide Information at serial No. 1,3(part), 5,7,10,11,12,and 13 of the said letter dated 31/1/2015 to her.
6. It is the contention of the appellant since PIO failed to provide the complete information as sought by her , she preferred an appeal before the Principle District Judge South Goa at Margao on 26/2/2015 being first appellate authority.
7. It is the contention of the appellant that first appellate authority is pleased to partly allow the first appeal by order dated 28/9/2015.
8. Being aggrieved by the order of first appellate authority and as no information with regards to RCS 765/00/2 was provided to her, she preferred the present appeal on 22/12/2015 on the grounds stated in the memo of appeal.
9. The appeal was taken up on board and was listed for hearing in pursuant to the notice of this commission appellant appeared in person. Respondent PIO was represented by Advocate Kishore Bhagat.
10. Reply filed by PIO on 3/8/2017 and affidavit on 2/4/2018.
11. It is the contention of the appellant as stated by her in memo of appeal that the submission of the respondent PIO, that information asked for "was not traceable " is not permissible within the scheme of RTI Act ,2005, as is does not fall within the exception recognized in the RTI Act 2005. It was further contended that the Respondent failed to act with proper application of mind, in replying to the appellant. It was further contended the Respondent ought to have made through search for the information and if the same was not available to fix responsibility on the concerned official. It was also contended that First appellate authority grossly erred in accepting the submission of Respondent and acted without jurisdiction thereby causing great miscarriage of justice .

12. Vide affidavit which is filed on 2/4/2018 and also during oral arguments PIO have contended that the Information at points Nos. 2,3,4,5,6,8,9,and 11 have been furnished to the appellant. PIO further contended that she has sought the assistance from the office of The Chief Judicial Magistrate, Margao and that they have informed her that the information at point No. 1,7,10,12,13 are not traceable in their office. The PIO contends that since the letters does not mention the details of the addressees , designation etc., it is not possible to locate the same. The PIO further contends that if the appellant furnishes to the PIO the details of addressee of above mentioned letters PIO can once again try to trace the same and if found available PIO undertakes to furnish the information to the appellant.
13. On perusal of the records it is seen the application dated 7/1/2015 was promptly was responded by PIO on 23/1/2015 well within the stipulated time. The order of the first appellate authority was also complied by the PIO. As such I am of the opinion that the facts of the case does not warrant levy of penalty on the PIO

In the above given circumstances and the interest of justice following order is passed

ORDER

1. Appeal partly allowed
2. The appellant herein is hereby directed to provide the details about the addressees of the said letters to the PIO within 15 days from the receipt of the order and the respondent PIO thereafter is hereby directed to provide the information at point No. 1,7,10,12,& 13 as sought by the appellant vide letter dated 31/1/2015 if available within 20 days from the receipt of the details of addressees of those letters from the appellant,.

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/-