

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

Appeal No. 13/2018/SIC-I

Shri Jesus Victoria,
Add. 28, Khairikatem,
Sanguem- Goa . 403704

....Appellant

V/s

- 1) The Public Information Officer,
Our lady of Fatima High School,
Rivona, Goa. 403705
- 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. The appellant Shri Jesus Victoria herein by his application dated 30/8/2017 filed under section 6(1) of Right to Information Act, 2005 sought certain information as state therein in the said application from the Public Information Officer (PIO), Office of ADEI, Directorate of Education, Sanguem, Goa.
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, 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 1st appeal on 10/10/2017 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 10/11/2017, dismissed the said appeal since both the parties remained absent before him.
5. Being aggrieved by the response of both the Respondent, the appellant approached this Commission on 30/12/2017 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. 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 13/3/2018.
8. Accordingly information came to be furnished to appellant on 19/03/2018 vide covering letter dated 16/3/2018.
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. Coming to the other aspects of appeal, it is seen that application was filed by the appellant on 30/08/2017. 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 19/03/2018 and there is delay of approximately about 6 months in furnishing the information.

11. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. The above circumstances leads me to prima facie hold that this action of PIO attracts penalty under section 20 of the Act.
12. Considering the conduct of the Respondent and his indifferent approach to the entire issue. I find some substances in the contention of the appellant. In the aforesaid circumstances I proceed to dispose this appeal with following order:-

ORDER

1. Appeal is partly allowed.
2. Information being furnished to the satisfaction of the appellant, I find no intervention of the Commission required there too.
3. Issue showcase notice to Public Information Officer u/s 20(1) of the RTI Act 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 on 19/04/2018 at 3.00 PM.

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/-