

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 95/2018/SIC-I

Shri Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa- Goa.

.....Appellant.

V/s.

1. Public Information Officer,
Assistant Director (SC/OBC),
(Shri Deu Gaonkar)
Directorate of Social Welfare,
Panaji Goa.

2. First Appellate authority,
Director of Social Welfare,
Directorate of Social Welfare,
Panaji- Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 20/04/2018

Decided on: 18/05/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Jawaharlal T. Shetye , by his application, dated 5/12/2017, filed u/s 6(1) of The Right to Information Act, 2005 sought from Respondent No. 1 PIO of Directorate of Social welfare certain information on 9 points with respect to the representation dated 12/4/2016 made by him to the scrutiny committee .
2. The said application was responded by Respondent PIO herein on 9/1/2018 .
3. Being not satisfied with the reply of Respondent No. 1, the appellant preferred first appeal before the respondent NO. 2 Director of Social welfare Department, Panaji, being first appellate authority.

4. It is the contention of the appellant that the hearing of the first appeal was held by the first appellate authority and there after the matter was posted for orders . However according to him the copy of the order was not communicated to him by the first appellate authority .
5. In this background the appellant has approached this commission in present second appeal on 20/4/2018 interms of section 19(3) of RTI Act, thereby seeking direction to PIO for providing him the information, for invoking penal provisions against Respondent PIO for not furnishing him complete and correct information and for implementation of provisions of section 4(1)(a) and (b) of RTI Act, 2005.
6. Matter was taken up on board and was fixed for hearing. In pursuant to the notice issued by this commission, appellant appeared in person. Respondent no. 1 Shri Devu Gaonkar appeared and respondent NO. 2 remained absent .
7. During the course of hearing the respondent PIO submitted that the application of the appellant was responded well within stipulated time and thereafter had furnished information to the appellant on 9/1/2018. The said fact was not disputed by the appellant.
8. Since the appellant was not satisfied with the information the PIO again agreed to furnish pointwise information and also submitted that as the information at point no. 6 and 7 pertains to Dy. Collector Mapusa, it will be transferred to concerned public authority .
9. Accordingly information came to be furnished to the appellant on 18/5/2018. The PIO further submitted that he had also transferred point NO. 6 and 7 of the said application to the Dy. Collector, Mapusa on 14/5/2018. He further submitted that

whatever information available with him have been furnished to him based on the records available in their office .

10. The appellant on verifying the information raised his grievances that his said representation has not been redressed by the said scrutiny committee till date .
11. I scrutinize the records available in the file so also considered the submission made on behalf of both the parties.
12. The PIO is required to furnished the information as available and exists on the records of the Public authority. It is seen from the records, the PIO has given replies to all the points and even transferred the point No. 6 and 7 to the concerned authority. As such I am of the opinion that no intervention of this commission is required for the purpose of furnishing information.
13. The commission has no jurisdiction and not empowered to entertain the above grievance raised by the appellant. The Appellant may approach the competent forum with his above grievance if he so desires
14. Also considering the peculiar circumstances of the case I find that no grounds to invoke my rights U/S 20(1) and (2) of the Act.
15. However the commission shows displeasure on the conduct on the part of Respondent NO. 2 first appellate authority, being in contravention with the RTI Act. The RTI Act came into existence to provide fast relief as such time limit is fixed under the said Act to dispose first appeal maximum within 45 days. Here the Respondent no. 2 has shown lack and negligence in his attitude toward discharge of his function as first appellate authority as such conduct on the part of first appellate authority is condemnable. The Respondent NO. 2 is hereby directed to be vigilant henceforth while dealing with the RTI matters and to act with conformity with the provisions of RTI Act.

16. As the PIO was not able to clarify with regards to compliance of section 4(1)(a) and (b), of RTI Act, 2005 the public authority concerned herein is directed to comply with above section if not complied till date, maximum within a period of 4 months .

17. With the above direction the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Ak/-