

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.104/SIC/2013

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward No. 11,
Khorlim, Mapusa – Goa.

..... **Appellant**

v/s

1. Public Information Officer,
Under Secretary (GA-1),
General Administration Department,
Secretariat, Porvorim – Goa.
2. The First Appellate Authority,
Joint Secretary,
General Administration Department,
Secretariat, Porvorim – Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 14-03-2018

Date of Decision : 14-03-2018

O R D E R

1. Brief facts of the case are that the Appellant vide an RTI application dated 29/04/2013 sought certain information u/s 6(1) of the RTI act 2005 from the Respondent PIO, O/o Under Secretary, Dy. Chief Minister and Minister for Urban Development, Govt. of Goa, Secretariat, Porvorim-Goa.
2. The information is regarding a representation dated 04/04/2013 made by one Mapusa Jana Jagruti Samiti to the Hon'ble Dy. CM and Minister for Urban Development and the information is at 04 points and appellant is *inter alia* seeking information about Action taken, if any on the above representation regarding lodging of FIR against forgery of signature of V.G. Naik.; to furnish copies of all noting sheets and correspondence received by the office of Hon'ble Dy. C.M. and Minister for Urban Development from Mapusa Jana Jagruti Samiti during period from Feb. 2012 till date; to furnish present progress/status report on the above representation and whether the Minister has got powers to look after public grievances which are not acted upon by the public grievances cell committee members? And if yes to furnish details.

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3. It is seen that the PIO vide letter dated 14/05/2013 transferred the RTI application under section 6(3) to the PIO, Additional Director of Municipal Administration, Collectorate building, Panaji and a copy of the said letter transferring the said RTI application was also sent to the Appellant by registered A.D.
4. Not satisfied with the decision of the PIO, in transferring the RTI application, the Appellant thereafter filed the first Appeal on 27/05/2013 and the First Appellate Authority, (FAA) vide his Order dated 24/06/2013 upheld the decision of the PIO to transfer the RTI application to Additional Director of Municipal Administration and thus disposed of the said First Appeal.
5. Being aggrieved the Order of the First Appellate Authority (FAA), the Appellant has filed a Second Appeal before this Commission registered on 21/08/2013 and in his prayer has sought to direct the PIO to furnish correct information and invoking penalty, disciplinary action and other such reliefs.
6. Pursuant to the notices is dispatched, this matter has come up for hearing several previous occasions and thus taken up for final disposal. It is seen that Appellant was absent on 23/10/2017, 13/11/2017, 14/12/2017 and 23/01/2018, 30/01/2018 as well as today and it appears that the Appellant is not interested to pursue his case. The Respondent PIO and FAA both are represented by Adv. K.L. Bhagat who is present alongwith Smt. Prashanti Borkar, Asstt. O/o General Administration Department, Secretariat, Porvorim.
7. Advocate K.L. Bhagat at the outset submits that the Appellant has addressed his RTI application to the Under Secretary, Office of the Dy. Chief Minister which who has correctly transferred the said application under Section 6(3) to the concerned PIO, Directorate of Municipal Administration vide letter dated 14/05/2013 and copy of such letter was also sent to the Appellant by Registered post A.D.

8. Advocate K.L. Bhagat further submits that the Appellant had also filed a First Appeal against the decision of the PIO and the FAA has upheld the decision of the PIO in transferring the RTI application to the PIO, Addl. Director of Municipal Administration.
9. It is further explained that whenever any representation is received by the office of Dy. Chief Minister, the same is immediately dispatched to the respective Department and as such the Minister's office does not hold any information regarding the RTI application on the Action taken or progress report or Noting sheet.
10. The Commission has perused the material on record including the appeal memo and observes that the appellant has challenged of the order of the FAA mainly due to the fact that he wants to know whether the office of the Hon'ble Dy. Chief Minister and Minister for Urban Development has taken any action on the representation dated 04/04/2013 received from the Mapusa Jana Jagruti Samiti and if directions were given to subordinate officials to take any sort of action against the official of Mapusa Municipal Council regarding of lodging FIR against forgery of Signature of V.G. Naik, Bank of Baroda, Moira branch staff while collecting 50 certified copies pertaining to Prabhakar Yende, J.T. Shetye and Mapusa Jana Jagruti Samiti.
11. The appellant in his appeal memo has argued that since the representation letter dated 04/04/2013 is addressed to the Hon'ble Minister by the Mapusa Jana Jagruti Samiti placing its grievance before the Hon'ble Minister requesting him to look in to the matter and to give appropriate directions to the Authorities, it is the constitutional duty of the Hon'ble Minister to take appropriate action on the representation dated 04/04/2013 and inform the complainant about the action taken report and that the stand taken by the PIO, Under Secretary, GA in transferring the RTI application under 6(3) is not acceptable.

12. The Commission is of the considered opinion that as the said information was not held by the office of the Hon'ble Dy. Chief Minister and Minister for Urban Development, the concerned PIO, under Secretary (GA-I) has correctly transferred the RTI application under 6(3) to the PIO, Addl Director of Municipal Administration as the information sought pertained to that department. The Appellant can very well pursue the matter with the PIO, Addl Director of Municipal Administration rather than insisting that the information ought to be furnished by the O/o the Dy. Chief Minister and Minister for urban Development.
13. Adv Advocate K.L. Bhagat has explained that whenever any representation is received by the office of Dy. Chief Minister or Minister for Urban Development, the same is immediately dispatched to the respective Department and the Minister's office does not hold information.
14. The commission also observes that some information sought is in question form e.g 'action taken' and 'whether the Minister has got powers' and which does not fall under the purview of section 2(f) of the RTI act 2005. As stipulated in the RTI Act the role of the PIO is to provide information as is available and not called upon to research or analyze information or create information as per the whims and fancies of the Appellant.

Consequently, No intervention is required with the order of the First Appellate Authority which is a detailed, correct and justifiable order. The Appeal is devoid of any merits and accordingly stands dismissed.

All proceedings in appeal case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner

