

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 239/SIC/2016

Franky Monteiro,
H. No. 501, Devote,
Loutolim, Salcete - Goa
v/s

..... Appellant

1. Public Information Officer,
Directorate of Vigilance,
Altinho, Panaji – Goa.
2. First Appellate Authority,
Director of Vigilance,
Altinho, Panaji – Goa

..... Respondents

Relevant emerging dates:

Date of Hearing : 18-07-2018

Date of Decision : 18-07-2018

O R D E R

1. Brief facts of the case are that the Appellant had vide an RTI application u/s 6(1) of the RTI act 2005 dated 21/07/2016 sought certain information from the Respondent PIO, O/o. Directorate of Vigilance Altinho, Panaji Goa.
2. The information pertains to 06 points and the appellant *inter alia* is seeking information regarding action taken by the office Directorate of Vigilance on receipt of Complaints from Franky Monteiro, the (Appellant herein) dated 15/07/2014, 10/10/2015 and 13/04/2016 and to provide copies of all correspondence, all noting sheets of file, present status of the matter and also inspection of the files regarding vigilance inquiry by Anti Corruption Bureau of Directorate of Vigilance pertaining to case No.ACB/VIG/Com-80/15.
3. The PIO as per 7(1) vide reply No.13/59/2005-VIG/RTI/81/2227 dated 09/08/2016 informed the Appellant that the Complaint of the Appellant is under process of investigation and which has been forwarded to the Directorate of Panchayats, Town & Country Planning Department and the report is awaited, as such information at this stage in view of section 8 (1) (h) of the RTI Act 2005, cannot be spared due to the process of investigation. ...2

4. Not satisfied with the reply the Appellant thereafter filed the First Appeal on 14/09/2016 and the FAA vide his Order dated 16/09/2016 dismissed the First Appeal by upholding the reply of the PIO that providing information at this stage would impede the process of inquiry.
5. Being aggrieved with the order of the FAA, the Appellant subsequently approached the Commission by way of a Second Appeal registered on 26/10/16 and has prayed to direct the respondent No. PIO to provide correct and complete information free of cost and for penalty compensation and other such reliefs.
6. This matter has come up before the commission on 08 previous occasions and it is seen that the Appellant has remained continuously absent. It appears that the Appellant is not interested to pursue his appeal case. The former PIO, Shri Snehal P. Naik Goltekar, Addtl. Director, Dept. of Vigilance, Atlinho is present in person. The FAA is absent.
7. At the outset, former PIO, Shri Snehal P. Naik Goltekar submits at that point of time, investigation was under process and the Complaint of the appellant was forwarded to the Directorate of Panchayats, Town & Country Planning Department and the report was awaited and as such the information could not be furnished at that stage as being exempted under 8(1)(h) and the same was informed to the Appellant vide letter dated 09/08/2016.
8. It is also submitted that the Appellant had filed a First Appeal on 14/09/2016 and the FAA vide his order dated 16/09/2016 had upheld the reply to the PIO. It is finally submitted that the said investigation has since been completed and as such the information can be furnished to the Appellant.

9. The Commission accordingly directs the Appellant to approach the Office of the Respondent PIO, O/o Directorate of Vigilance, Altinho, Panaji and collect the said information on payment of the necessary fees within 30 days on receipt of this order, if he so desires.

10. In such a case the present PIO, Directorate of Vigilance, Altinho, Panaji will inform the Appellant the estimated cost of providing the information documents and after verifying that the payment of the same has been made, shall proceed to provide the information immediately, however if the copies information documents are voluminous, then the same is to be provided by the PIO within the next five working days.

With these directions, the Appeal case stands disposed.

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**