

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No. 153/2018/SIC-I

Antonio Gomes,
R/o H.No. 308, 2nd Palvem,
Deussua Chinchinim,
Salcete- Goa.

..... Appellant

V/s.

1. Public Information Officer
The Mamlatdar of Salcete,
O/o the Mamlatdar of Salcete,
Margao- Goa.

2. First Appellate Authority
Dy. Collector & SDO,
Margao- Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 22/6/2018

Decided on: 07/08/2018

ORDER

1. The brief facts leading to present appeal are that the appellant herein Shri Antonio Gomes by his application dated 20/2/2018 filed u/s 6(1) of the Right to Information Act, 2005 sought certified copies of documents in Mutation case No. bearing No. 696 of Village Chincinem, Survey No. 290/6 between Luis Piedade Pereira V/S Comunidade Chinchinem from the Respondent No. 1 Public Information Officer, of the office of Mamlatdar, Margao, Salcete-Goa.
2. According to the appellant the said application was not responded to by the Respondent No. 1 PIO as such he by his letter dated 6/4/2018 reminded the Respondent PIO that he had not received the documents and therefore requested PIO to provide him the requisite information.

3. It is the case of the appellant despite of reminder as no information came to be furnished to him he preferred first appeal before the Respondent No. 2 Dy. Collector and SDO at Margao on 11/5/2018 being the First appellate authority and the FAA by an order dated 28/5/2018 directed the Respondent No. 1 to provide the information to the appellant within 7days free of cost as sought by appellant vide his application dated 20/2/2018.
4. It is the contention of the appellant that the Respondent No. 1 PIO did not comply the order of FAA neither furnished him the information despite of repeated inquiries as such being aggrieved by the action of the Respondent PIO he preferred the present appeal on 22/6/2018 in terms of section 19(3) of RTI Act, thereby seeking directions as against respondent PIO for furnishing him correct information.
5. In pursuant to the notice of this commission the appellant was present in person. Respondent PIO was represented by APIO Sharad Naik. Opportunity was given to the PIO to file his reply to the appeal proceedings despite of that no reply came to be filed on his behalf.
6. Considering the above circumstances I hold that PIO has no reply to be filed and the averments made in the appeal are not disputed.
7. Since the appellant is a senior citizen who travelling from Chinchinim and as the Respondent PIO did not show any interest in the matter the arguments of the appellant were heard.
8. The appellant in his submission submitted that his application was not responded at all by the Respondent PIO despite of sending reminders nor bothered to comply the order passed by Respondent No.2 first appellate authority. He further submitted that till date he had not received any information and lots of harassment have been caused to him in pursuing the said information. He further submitted that said information is required by him on priority basis.

9. I have perused the records and considered the submission on behalf of appellant.
10. As per the records the application was filed on 20/2/2018. U/s 7(1) the PIO was required to respond the same within 30 days from the said date. There are no records produced by the PIO to show that the same was adhere to. Thus from the undisputed and un rebutted averments the PIO has failed to respond the applicants application within stipulated time nor has furnished the information within the time stipulated 7(1) .
11. From the order of the FAA, it could be gathered that the Respondent failed to appear before them. The order was passed allowing the appeal of the appellant by coming to conclusion that the provision of sub-section (1) of section 7 of the RTI Act was not complied. The order passed by the FAA is also not complied and as such the PIO has shown no respect to even abide the orders passed by Senior Officers.
12. If the correct and timely information was provided to the appellant, it would have saved valuable time and the hardship caused to him in pursuing the said appeal before the different authorities. It is quite obvious that the appellant who is senior citizen has suffered lots of harassment and mental torture and agony in seeking information under the RTI Act which is denied to him till this date. If the PIO had given prompt and correct information such harassment and detriment could have been avoided.
13. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligation under RTI Act and the entire conduct of the PIO is not in consence with the Act. Such lapses on the part of PIO is punishable u/s 20(1) and 20(2)of the Act. However considering this as a first lapse on the part of the PIO, a lenient view is taken in the present proceedings and is hereby directed to be vigilant henceforth the while dealing with the RTI matter and any such lapses found in future shall be viewed seriously.

14. In the above given circumstances the following order is passed.

ORDER

1. The respondent No.1 PIO is hereby directed to furnish the information to the appellant as sought by him vide his application dated 20/2/2018 free of cost within 15 days from the date of receipt of this order.

Appeal disposed accordingly . Proceedings stands closed.

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