

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 123/SIC/2013

Engr. Rabindra Dias,
Dr. Pires Colony, Block B,
Cujira St. Cruz, Tiswadi-Goa

..... **Appellant**

v/s

1. Public Information Officer,
O/o Directorate of Technical Education,
Porvorim – Goa.

2. The First Appellate Authority,
Director,
Directorate of Technical Education,
Porvorim – Goa

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 26-07-2018

Date of Decision : 26-07-2018

ORDER

1. Brief facts of the case are that the Appellant has filed a Second Appeal registered before this Commission on 13/09/2013 arising out of an RTI application dated 27/09/2011 seeking certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, O/o Principal Chief Engineer, Public Works Department, Altinho, Panaji-Goa on 86 points. The present Second Appeal however deals with information from points 54 to 58.
2. This matter has come up before the Commission on several previous occasion and hence it is taken up for final disposal. During the hearing the Appellant is present in person. The Respondent PIO, Shri. Pradeep K. Kusnur, Dy. Director (CAD), O/o Dte. of Technical Education is present in person. The FAA Shri. Vivek B. Kamat, Director, Dt. of Technical Education is also present in person.

3. The Appellant Shri Rabindra Dias submits that he has not received any reply nor information from the PIO and although he filed a First Appeal, the First Appellate Authority (FAA) has not passed any Order and which is why he has filed the Second Appeal before the Commission. Shri Rabindra Dias vehemently argues that the information should be furnished free of cost and that the PIO should be penalized and disciplinary proceedings should also be initiated against the FAA for not passing an Order. The Appellant has relied on several orders passed by the Central Information Commission.
4. The PIO submits that this matter is similar to another case being Appeal No.128/SIC/2013 filed by the same Appellant and which was disposed by this Commission on 05/02/2018 and that the same Order is also applicable in this case.
5. It is further submitted that all information was furnished to the appellant pertaining to points 57 & 58 vide letter no DTE/AD/SPIO/2007/4777 dated 29/11/2011 and further vide another letter no DTE/AD/SPIO/2007/8049 dated 27/12/2011 by also enclosing a NOTE dated 22/12/2011. The PIO files a detailed reply which is taken on record and one copy is also served on the appellant.
6. The First appellate Authority (FAA) Shri. Vivek B. Kamat submits that pursuant to the notices issued to both the Appellant and Respondent, the hearing of the First Appeal filed by the appellant on 07/01/2013 was held on 23/01/2013 and that the Respondent PIO had while informing that all information was furnished to the Appellant vide letters dated 29/11/2011 and 22/12/2011 had also objected to the Appellant filing the First appeal after a delay of 13 months when the RTI act clearly mentions that First Appeal should be filed within 30 days of being aggrieved by the decision of the PIO.

7. Shri. Vivek B. Kamat further submits that the Appellant could not substantiate his request for condonation of delay and requested for time which was granted, however the appellant never turned up and as such in good faith no Order came to be finalized more so in view that information was furnished by the PIO.
8. The Commission after hearing the submissions of the respective parties and also perusing the material on record finds that the present appeal case 123/SIC/2013 is similar to another appeal case which has been decided of this Commission being Appeal No.128/SIC/2013 which was disposed off by this Commission on 05/02/2013 although the respondents are different.
9. The claim of the appellant stating he has not received the information sent by the PIO through ordinary post and which according to the appellant ought to have been sent by Registered Post is not acceptable as there are no such provisions in the RTI act for sending replies by Registered AD.
10. If the Appellant wanted the information to be sent by Registered AD he should have enclosed a prepaid postage self-addressed AD envelope, nevertheless the Commission directs the PIO to handover both replies and the NOTE to the appellant and which the appellant has received today.
11. The Commission has also perused the detailed reply filed by the FAA on 26/07/2018. The FAA has tendered his explanation and the same is accepted by the Commission. The FAA finding that the PIO has furnished the information and further at the hearing of the FIRST APPEAL on 23/01/2013, the Appellant was not able to substantiate the delay in filing the First Appeal after 13 months and which was objected by the Respondent PIO.....

..... and the Appellant had requested for time which was granted, the order remained to be finalized in good faith as the appellant never appeared before the FAA and instead filed a Second Appeal before the Commission even as the First appeal order was pending for disposal. Thus no fault lies on the part of the FAA so as to take disciplinary action as prayed by the Appellant.

12. As the PIO has furnished the information pertaining to points 57 & 58 vide letter no DTE/AD/SPIO/2007/4777 dated 29/11/2011 and further vide another letter no DTE/AD/SPIO/2007/8049 dated 27/12/2011 by also enclosing a NOTE dated 22/12/2011 and which the Appellant has received today.

Nothing further survives in the appeal case which accordingly stands disposed.

All proceedings in Appeal case stands 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