

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

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Appeal No.133/SCIC/2017

Smt. Antonia Michelle Abel,
Flat A-3 Bella Vista Apartments,
O'Coqueiro Circle,
Alto Porvorim,
Goa 403 521.

..... Appellant

V/s

1) The Public Information Officer,
Office of the Chief Electoral Officer,
Altinho, Panaji –Goa 403 001.

2) The First Appellate Authority,
Office of the Chief Electoral Officer,
Altinho, Panaji –Goa 403 001.

Respondents

Filed on 04/09/2017

Decided on 10/01/2018

O R D E R

1) The facts in Brief which arises in present appeal are that the appellant herein purportedly by her application, dated 05/11/2014 u/s 6 (1) of the Right to Information Act 2005 (Act for short), sought information from Central Public Information Officer, Election Commission of India, New Delhi on three points as stated in the said application.

2) The said application was purportedly transferred by the Central public information officer Election Commission of India New Delhi officer to the PIO of office of Chief electoral officer, Panaji Goa, the respondent No. 1 herein.

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3) The PIO of the office of Chief electoral office Panjim purportedly transferred the same u/s 6(3) to the collector (DEO) of North Goa District and South Goa District vide its letters dated 21/11/2014.

4) According to appellant as her said application was not responded nor the details of First Appellate Authority (FAA) was furnished , she filed first appeal to FAA of Chief Electoral officer, Panaji, the respondent No.2 herein.

5) According to appellant the respondent No.1 by letter, dated 06/02/2015 misdirected her that appeal lies before FAA Election Commission of India.

6) According to appellant the FAA i.e. the respondent No.2 did not decide the first appeal and hence this second appeal is filed.

7) The parties were notified. The PIO filed reply on 24/10/2017. Alongwith the said reply the PIO annexed a copy of the order, dated 10/07/2017, passed by this Commission in appeal No.101/SIC/2015. According to PIO the said appeal No.101/SIC/2015 and the present one pertains to same application u/s 6(1) and that same information was sought.

8) The appellant was notified and she appeared on 11/10/2017 and 03/11/2017. It was noticed that though the appellant has relied upon and referred to the purported applications u/s 6(1) and the transfer of the same to various authorities the same were not filed on record herein . Hence in the course of hearing on 03/11/2017 she was directed to file all the documents which she has referred to as the annexures in her appeal memo. The said annexures were also

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required for the purpose of verifying whether the said appeal No.101/SIC/2015, disposed by this commission pertains to same application u/s 6(1) of the act. In spite of said directions and undertaking by appellant the said annexures are not filed by the appellant.

9) The records of appeal No.101/SIC/2015 were called. I have perused the order dated 10/07/2017 passed by this Commission in said appeal No.101/SIC/2015. In the said appeal No.101/SIC/2015, the appellant herein has sought same information by same application and has filed the said second appeal before this Commission with same facts and seeking same relief. This present appeal under my consideration is the repetition of the said appeal No.101/SIC/2015. The appeal on same set of facts and with same relief was disposed and hence this appeal is hit by Res Judicata or Principals analogous thereto.

10) In the above circumstances having the issue finally decided by this Commission the present appeal does not lie. Having decided earlier appeal on same facts and for same relief, this Commission has become functus officio.

In the light of the above, the appeal stands dismissed. Notify parties.

Proceedings closed.

Pronounced in open proceeding.

Sd/-
(Mr. Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa