

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 148/2018/

Shri Kenneth Ian Stewart Silveira,
H. No. 99, Deusa, Chicalim,
Mormugao Taluka,
Goa 403711.

..... Appellant

v/s

1. The Public Information Officer
Office of the Addl. Secretary (GAD),
Secretariat, Porvorim – Goa.
2. The First Appellate Authority/
Office of the Addl. Secretary (GAD),
Secretariat, Porvorim – Goa

..... Respondents

Relevant emerging dates:

Date of Hearing : 04-09-2018

Date of Decision : 04-09-2018

O R D E R

1. Brief facts of the case are that the Appellant vide his RTI application dated 21/02/2018 sought certain information u/s 6(1) of the RTI act 2005 from the Respondent PIO, O/o ACB, Vigilance Dept., Altinho, Goa at seven points. The Appellant *inter alia* is seeking copy of Complaints filed against Dr. Pramod Sawant, Status of Complaints, file notings, correspondence and other such related information.
2. The PIO, Section Officer, O/o Chief Secretary, Government of Goa, Secretariat, Porvorim vide letter No. US(CS)/RTI/(A-50/2/2018/141118903 dated 29/03/2018 O/o as per 7(1) of the RTI act 2005 informed the Appellant that the information sought cannot be furnished in terms of Section 8(h).
3. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal dated 26/02/2018 and being aggrieved that no Order has been passed by the First Appellate Authority (FAA) has approached the Commission by way of Second Appeal registered on 18/06/2018 and has prayed to direct the PIO to furnish complete information and to initiate action under Section 20 of RTI Act and for other such reliefs. ...2

4. During the hearing the Appellant Shri Kenneth Ian Stewart Silveira is present in person. The Respondent PIO is absent. The FAA, Shri. Amarsen W. Rane, Addl. Secretary (GA), Secretariat, is present.
5. The Appellant submits that since no Order was passed by the First Appellate Authority (FAA), hence a Second Appeal was filed and that he (Appellant) would wait till an order on the First Appeal is passed. The Appellant further submitted that he wants to withdraw the present Second Appeal with liberty to file a fresh Second Appeal case, only if aggrieved by the order of the First Appellate Authority (FAA).
6. The Commission accordingly directs the FAA to issue fresh notices to both the Respondent PIO and the Appellant within 30 days of the receipt of this order i.e latest by 16th October 2018. The FAA shall after hearing the parties decide the First Appeal purely on merits by passing an appropriate speaking order.
7. Needless to mention that the said First appeal case should be disposed off within 30 days from the date on which the parties attend on the date of the first hearing. In exceptional cases, the FAA may take 45 days, however where disposal of appeal takes more than 30 days, the FAA should record in writing the reasons for such delay.
8. It is open to the Appellant, if he is still aggrieved by the Order of the FAA to subsequently approach this Commission either by way of a Second Appeal u/s 19(3) or a Complaint u/s 18 as the case may be.

With these directions the appeal case stands disposed.

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

