

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

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

**Appeal No.181/SCIC/2017**

Jawaharlal T. Shetye,  
H. No.35/A Ward No. 11,  
Khorlim- Mapusa-Goa. .... Appellant

V/S

- 1) The Public Information Officer,  
The Mamlatdar of Bardez,  
Mapusa Bardez-Goa.
- 2) The First Appellate Authority,  
The Dy. Collector & SDO Bardez,  
Mapusa, Bardez –Goa. .... Respondents.

Filed on :03/11/2017

Disposed on:29/3/2018

**1) FACTS IN BRIEF:**

- a) The appellant herein by his common application, dated 8/5/2017 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought common information from the Respondent No.1, PIO as also the PIO of the office of Dy. Collector and SDO Bardez and the PIO office of the Director of Social Welfare, under several points therein.
- b) According to the appellant vide his memo of appeal the same was not responded by PIO herein and hence he preferred first appeal to the respondent No.2, being the First Appellate Authority (FAA).
- b) According to the appellant the FAA till date has failed to dispose the said appeal.

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c) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 8/2/2018 appeared and sought time to file reply but inspite of granting opportunity he failed to file reply. Inspite of granting opportunity the PIO failed to appear and hence the matter was taken up for disposal based on the records.

**2. FINDINGS:**

a) I have perused the records and considered the request of the appellant. By his common application u/s 6(1) of the act he has sought common information from three different authorities. According to him the PIO herein has failed to respond the application and hence the first appeal followed by the second appeal. However the appellant has no grievance against the other two PIOs to whom also the same application for same information was addressed. Thus the appellant having no grievance against the other PIOs a presumption can be drawn that the information as sought was received from the other two PIOs or from any one of them. Thus the application having been responded to by the PIO concerned no further orders can be given as the cause of action does not survive.

b) If one looks at the other angle, as per the records the application was addressed to three different authorities, apparently holding that the information by all the said authorities or any one or more of the same. Being so the addressee PIOs has no scope for transferring the same to other authority. By addressing the same to three different authorities it appears that the either the appellant was not

sure as to who is holding the information or that it was held by them. It is also possible that according to appellant parts of the information was held by different authorities. If such is the case the appellant could have filed the application to concerned PIO and given scope for transfer of request by invocation of section 6(3) of the act. The application thus is in the nature of fishing out information.

c) Considering the above peculiar situation, it is apparent that there is ambiguity in seeking request. The application has resulted in misjoinder of parties as also misjoinder of cause of action. If the information is not received there is non joinder of parties. Considering the above situation, no responsibility can be attached to any specific PIO under the act for information. Any order if passed would also become unexecutable and ineffective.

In the above circumstances, I find no merits in the appeal. I therefore dispose the same with the following:

**O R D E R**

Appeal is dismissed. Notify the parties. Proceedings closed.  
Pronounced in the open hearing.

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