

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

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

**APPEAL 36/ SCIC/2016**

**Smt. Antonia Michelle Abel,**  
**Flat A-3, Bella Vista Apts.,**  
**O Coqueiro Circle,**  
**Alto – Porvorim Goa**

..... **Appellant**

**V/s**

**FAA, Secretary,**  
**Goa Legislative Assembly,**  
**Goa Legislature Secretariat,**  
**Porvorim – 403 521.**

..... **Respondent**

**Filed on: 29/02/2016**

**Decided on: 16/01/2018**

**O R D E R**

- 1) By this appeal the appellant assails the order, dated 12/11/2015 passed by the Respondent herein, being the First Appellate Authority (FAA).
- 2) The facts in brief as pleaded by appellant are that by her application, dated 20/09/2014, she sought information in the form of copies of documents from Public Information Officer (PIO), Department of Law and Legal Affairs. The same was replied on 13/10/2014 informing the appellant that the said information is not available. The appellant by her letter, dated 30/05/2015 inter alia informed the PIO to transfer the

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application to the concerned department holding said information. The said letter was replied by Under Secretary, Legal Affairs transferring the application dated 20/9/2014 to PIO, General Administration Department (GAD).

As no reply was received from PIO of GAD, appellant filed first appeal to FAA, Legislative Assembly. The said appeal was heard and in the course of hearing of first appeal, it was found that PIO, office of Legislature Secretary has transferred the said application to PIO, Office of Chief Secretary as the information does not pertain to office of Legislature Secretary. It appears that subsequent correspondence has been generated. However by order, dated 12/11/2015 the respondent herein dismissed the appeal holding that the application is rightly transferred to PIO, O/o Chief Secretary. Being aggrieved has filed this appeal on the grounds as put forth in the memo of appeal.

- 3) Notices were issued to parties. The appellant appeared on 11/9/2017 and 3/11/17 but on other dates, she failed to remain present. The respondent filed reply through PIO on 2/11/2017. Copy was furnished to appellant. Submissions of PIO was heard however appellant failed to remain present for seeking clarification.
- 4) I have perused the records more particularly the memo of appeal, reply filed by respondent and the correspondence which was generated and filed by the PIO.
- 5) On careful scrutiny of records, it is seen that the original application dated 20/9/14, was addressed to PIO, Department of Law & Legal Affairs. The same was responded by said PIO on

13/10/14 informing that said information is not available. The said response was not challenged by the appellant and hence has attained finality.

- 6) The appellant opened a second chapter by her second application dated 30/5/15 purportedly as a request to transfer the request to the concerned department. This application is in the form of fresh application u/s 6(1) of the act. The same was transferred to GAD, which was replied by it on 30/6/2015 without furnishing information on the ground that it is not available. No first appeal is filed to FAA of GAD. The said reply has attained finality considering above fact the first appeal to the respondent herein infact did not lie. The appeal in fact ought to have been filed to FAA, GAD.
- 7) Be that as it may, it is seen from records that in an attempt to assist the appellant, the PIO, Office of the Legislature Secretariat has transferred the request to PIO, Office of the Chief Secretary under intimation to the appellant. Being so the appellant ought to have reacted against the deemed refusal of PIO, O/o Chief Secretary with FAA of said office. In spite of adopting such an approach, the appellant has approached this Commission. This appeal thus also suffers from pre maturity.
- 8) The appellant remained present initially but is absent subsequently. The appeal has to be dealt with based on the records. Considering the above facts as discussed based on the records, I find that the present appeal is not maintainable as there is misjoinder of parties, misjoinder of causes of action besides being premature visa-vis the office of Chief Secretary to which finally the a request is transferred.

9) In the light of the above facts and findings the appeal stands dismissed. However the right of appellant to file first appeal and if aggrieved, approached the Commission in second appeal in accordance with law and subject to the defence of the adversary, are kept open.

Notify the parties.

Proceedings closed.

Pronounced in open proceedings.

Sd/-

**( Shri Prashant S.P. Tendolkar )**

Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa