

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

CORAM: Shri Juino De Souza: State Information Commissioner
Appeal No.63/SIC/ 2013

Shri J. T. Shetye,
C/o Mapusa Jana Jagruti Samiti,
H. No.35, Ward no. 11,
Khorlim, Mapusa – Goa.

..... **Appellant**

v/s

1. Public Information Officer,
Chief Officer,
Mapusa Municipal Council,
Mapusa – Goa.
2. The First Appellate Authority,
Director of Municipal Administration
& Urban Development,
Collectorate Building,
Panaji – Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 16-07-2018
Date of Decision : 16-07-2018

ORDER

1. Brief facts of the case are that the Appellant filed six different RTI applications dated 02/02/2013, 03/02/2013, 04/02/2013, 05/02/2013 one after another seeking voluminous information.
2. It is seen that the PIO has furnished reply in tabulated form on all six RTI applications on 28/02/2013 and 04/03/2013. Not satisfied with the replies given by the PIO, the Appellant filed six different First Appeal cases before the First Appellate Authority (FAA) on 15/03/2013 & 18/03/2013 and the FAA has clubbed all the Six First Appeal cases together and disposed off the same by one single Order on 30/04/2013.
3. Being aggrieved by the order of the FAA, the Appellant has approached the Commission by way of a Second Appeal registered with the commission on 28/05/2013 and has prayed to direct the PIO to furnish the information and to compensate the appellant as the PIO Shri Hanumant Toraskar is persistently providing incomplete, incorrect, false and misleading information and for other reliefs. ...2

4. The Appellant in his Appeal memo has stated that the grievance is against the First Appellate Authority for dealing with First Appeal cases without proper analyses from issues involved and mechanically deciding the matter. He is also stated his grievance against the PIO Chief Officer, Mapusa Municipal Council, Mapusa Shri. Hanumant Toraskar for engaging Advocate to defend his cases before the FAA and GSIC in RTI Appeal without Government approval. The Appellant has given case wise grievances.
5. This matter has come up before the Commission for hearing on numerous previous occasions and it is seen that the Complainant has remained absent continuously right since September 2016. It appears that he is not interested to pursue his case. The Respondent PIO is represented by APIO, Shri Vinay Agarwadekar.
6. Shri. Vinay Agarwadekar submits that the Appellant had filed six different RTI applications and the PIO had furnish information in the six separate replies to the six different RTI applications in tabulated form. It is further submitted that although information was furnished the Appellant has filed six different first appeals case and the First Appellate Authority vide his Order dated 30/04/2013 had clubbed all the six Appeal case separate appeal case and disposed off by one single Order.
7. The APIO also submits that former PIO Shri Hanumant Toraskar has since retired from Government service and request the Commission to dispose this old Appeal case of 2013.
8. The Commission after hearing the submission of the APIO and perusing the material on record including the reply filed by the advocate for the Respondent PIO finds that all six RTI application have been replied by the PIO by six separate replies dated 28/02/2013 and 04/03/2013. The Commission also finds that the FAA has passed a speaking order by clubbing five first appeal cases vide his common order dated 30/04/2013.

9. In First appeal case No.282/DMA/RTI/2013, the FAA observed that the appellant may approach the PIO who shall furnish the desired information. As regards point No.2, the available information has been furnished and what is not available cannot be furnished. In Case No.283/DMA/RTI/2013, the FAA has stated As regards point No.2, the appellant may apply to the respondent PIO with details of specific information which can be categorized as 'information' within the meaning of the term 'information' under section 2(f) of the RTI Act,2005. As regards point No.6, in case such a report is prepared the same be furnished to the appellant within a period of 10 days.
10. In the Case No.284/DMA/RTI/2013 the FAA observed that having perused the information sought by the appellant from point No.1 to 3, it appears that the PIO has replied to all the queries even though some of the point raised do not fit into the definition of 'information' as defined under section 2(f) of the RTI Act. Therefore, no interference is required.
11. In Case No.285/DMA/RTI/2013, the FAA has stated that as regards point No. 1, the information sought is about total number of applications year wise from 2010 up to 2013 received under the RTI Act from the citizens and also those transferred under Section 6(3) form other department. It should no be difficult from the respondent PIO to state the number year wise and therefore, the same should be furnished within 10 days from dated of receipt of this Order. As regards Point No.3 it is expected that the PIO shall direct his Officer administration to compile such a list without any delay and once the same is compiled shall furnish the information to the appellant As regards Point No.4, However, the case allotted to Advocate Sankalp Sardessai should be furnished to the appellant without delay. As regards Point No.5, the information is stated to be not available. As regards Point No.6, this information has already been furnished under the RTI application replied on 4/2/2013 and which was also subject matter of appeal in Appeal No.284/DMA/RTI/2013 in respect of same appellant..... ..4

.....As regards Point Nos.7,8,9,11,12 & 14, the nature of information sought is that it rightly does not come under the purview of the RTI Act, 2005. As regards Point No. 10, appellant should have been specific in seeking the information required by him. As regards Pt. No.13, the satisfaction of Application/Appellant is not a record which is available.

12. In Case No.286/DMA/RTI/2013, the FAA has stated that from the reply of the Respondent PIO, it is seen that information that is not available has been stated to be not available except Point No.5 wherein the appellant should have been specific in seeking the information required by him under the RTI Act,2005.
13. The Commission thus finds that the FAA has passed a speaking Order case wise which were clubbed together and disposed by a single Order on 30/04/2013. Also the PIO has furnished information in tabulated form in all six RTI applications by replies on 28/02/2013 & 04/03/2013.

No intervention is required with the order of the FAA.

14. The APIO has submitted that the former FAA, Shri Elvis Gomes and former PIO, Shri. Hanumant Toraskar have retired from Government Service, therefore the Commission is unable to summon them so as to seek their explanation about the grievances the appellant has against them as stated in the appeal Memo. Consequently the prayer of the appellant in terms from 2) to 4) stand rejected. The prayer in terms of 5) granted. The FAA is directed to strictly adhere to the time limit in disposing off the First appeal under section 19(6) of RTI act 2005.

With these observations all proceedings in Appeal case also stand 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

