Appeal No.186/2018/CIC

Shri. Joao C. Pereira,
H.No. 40,
Acsona, Utorda,
Majorda, Salcete Goa.   **...Appellant**
403713.
  V/s
1) The Public Information Officer,
   Sub-Division Police Officer,
   Margao-Goa.
   403601.
2) First Appellate Authority,
   Superintendent of Police (South),
   Margao-Goa.
   403601.   **...Respondents**

PROCEEDING SHEET
Appeal No.186/2018/CIC

20/11/2018   Take up before CIC:

Appellant present in person. APIO Shri Filomeno Costa, PI Colva Police Station present. Arguments on behalf of appellant heard.

In the course of arguments, appellant brought to my notice that the reply dated 07/06/2018 sent by PIO to him u/s 7(1) refers and states that the reply is based on information furnished by the APIO/PI. According to him in this situation APIO/PI should be joined also as a PIO in this appeal.

Ongoing through the record and provision of law it is to be noted that, though section 5(5) confers status for deeming the person from whose assistance is sought as PIO, the same is not in exclusion to the PIO as appointed by authority. Hence joining the APIO/PI as a party in this appeal cannot be done, unless the APIO is given the opportunity before the First Appellate Authority as a deemed PIO. Hence the request of the appellant to join APIO as a party in this appeal cannot be considered as he was not a party before the first appeal. Hence the first appeal is required to be reheard.

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From Pre-page   In this circumstance order of the First appeal authority dated 11/07/2018 is set aside. First Appellate Authority shall hear first appeal no. 17/2018 afresh by joining APIO /PI, Colva Police Station as the party authority to hear the first appeal no 17 of 2018 and giving him an opportunity to file his say.

Right of the appellant to file second appeal against the order of the First Appellate Authority, if agreed, by the order and are kept open. Proceeding closed.

Copy of this proceedings be sent to parties.

Sd/-
CIC

Panaji-Goa.
Dated: 21/11/2018

Sd/-
(Irene V. Sequeira)
Secretary
Goa State Information Commission