

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No.105/SCIC/ 2012**

Engr. Rabindra A.L. Dias  
Dr. Pires Colony,  
Block "B"  
Cujira , St. Cruz , Tiswadi Goa-

..... **Complainant**

v/s

**1.State Public Information Officer,**

O/o Jt. Mamlatdar -I,  
Collectorate Bldg. (South)  
Margao, Salcete , Goa.

2. Jt Mamladar-I ,  
Collectorate Bldg. (South)  
Margao, Salcete , Goa.

..... **Respondents**

3.The First Appellate Authority  
O/o the Addl. Collector–II,  
Collectorate Bldg. (South),  
Margao, Goa.

**Relevant emerging dates:**

Date of Hearing : 26-07-2018

Date of Decision : 26-07-2018

**O R D E R**

1. Brief facts of the case are that the Complainant u/s 6(1) of RTI act 2005 addressed an RTI application dated 24/06/2010 to the PIO, Dy. Collector and S.D.O. Margao, Salcete-Goa. The Complainant is *inter alia* seeking information about a Mundkarial case No. JM-I/Mund/Reg/Sernabatim/15/87/2832 dated 18/06/1991 on 35 points including Proceeding Sheet, Notice of various dates, Memorandum of appeal dated 04/12/1990, Order dated 19/02/1988, various Memorandums dated 10/04/2006, 7/3/2006, 18/8/2005, 24/08/2004 and other such related information.
2. Finding that no information was furnished by the said PIO, the Complainant thereafter filed a First Appeal on 10/08/2010 and the First Appellate Authority (FAA) vide an Order dated 26/11/2010 closed the matter on the basis that the.....

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..... file from which information is sought is in the office of Addl. Collector-II, South and as such the Respondent No.2 was asked to transfer the RTI application under 6(3) today itself today to the said PIO and not to make charge of any processing fees.

3. Being aggrieved that no information has yet been furnished, the Complainant subsequently has approached the Commission with a Complaint case u/s 18 registered on 26/06/2012 and has prayed to take action against the Opponent / Respondent for refusal of information and for penalty and other reliefs.
4. This matter has come up before the Commission on several previous occasion and hence it is taken up for final disposal. During the hearing the Complainant is present in person. The Respondents 1 & 2 Shri. Shankar B. Gaonkar and Shri. Madhu Guno Narvekar are both present in person.
5. At the outset then PIO, Shri. Shankar B. Gaonkar and Shri. Madhu Guno Narvekar both argue that they have been wrongly joined as Respondents 1 & 2 in the cause title. It is further submitted that they were not the PIO's at the relevant time and that the designated PIO is the Mamlatdar of Salcette and never the Jt. Mamlatdar. It is also pointed out that they have not dealt with the RTI application and the same was addressed to the PIO, Mamlatdar of Salcette and as such request the Commission to drop them from the proceedings.
6. It is also stated that a Mundkar Case was assigned to the court of Jt Mamlatdar and as such assistance was given to the said Mamlatdar by the office of Joint Mamlatdar and that the record of the said Mundkar file is available with the office of Addl. Collector I.
7. The Complainant submits that he has joined Shri. Shankar B. Gaonkar and Shri. Madhu Guno Narvekar both Jt Mamlatdar as parties as the Mundkar file was assigned to their court although the RTI application dated 24/06/2010 was addressed to the PIO, Dy Collector & SDO, Margao.

8. The Commission after hearing the submission of the parties and perusing the material on record finds that the Complainant has erroneously joined the Jt. Mamlatdar I and PIO, Shri. Shankar B. Gaonkar (upto Oct 2010) and Jt. Mamlatdar –I, Shri. Madhu G. Narvekar and Jt. Mamlatdar –I (From Oct 2010) and also Y. B. Tavde, Addl. Collector-II as parties. The RTI application was addressed to the PIO, Dy Collector & SDO, Margao and he should have been made the Respondent PIO. Also the First Appeal was filed before the Office of Collectorate, South Goa District and as such the additional Collector II could not have been made the FAA, Respondent No 2.
9. The Commission accordingly drops both the Respondents namely Shri. Madhu Guno Narvekar, Jt. Mamlatdar-I and Shri. Shankar B. Gaonkar , Jt. Mamlatdar –I from the present Complaint case and substitutes them with the PIO, Dy Collector & SDO, Margao as the Respondent No 1. The Commission also drops the FAA, Shri Y. B. Tavde, Addl. Collector-II who has since retired from government service and substitutes with Addl. Collector-I in view that the Mundkar file is with this department.
10. The Complainant has emphasized that he is still receiving the information as sought for in the RTI application dated 24/06/2010, although in a Complaint case u/s 18 the commission has no powers to direct the PIO to furnish information (*Read: Supreme Court Judgment in **Chief Information Commr.& Anr vs State Of Manipur & Anr CIVIL APPEAL NOs.10787-10788 OF 2011 (Arising out of S.L.P(C) No.32768-32769/2010).***
11. Nevertheless as Shri. Shankar B. Goankar has submitted that after making a diligent search for the said Mundkarial file, the same was traced in the office of the Addl. Collector –I and that the file may still be available in that office, as such the present PIO, Dy. Collector & SDO, Margao, Salcete-Goa is hereby directed to immediately trace the said Mundkarial case file bearing No. JM-I/Mund/Reg/Sernabatim/15/87/2832 dated 18/06/1991 from the office of the Addl. Collector –I. ...4

12. If the said file is still available, then the present PIO, Dy. Collector & SDO, Margao, Salcete-Goa shall within 20 days of the receipt of this Order i.e latest by 25<sup>th</sup> August 2018 inform the Complainant by sending an intimation by ordinary post at the following address Engr. Rabindra A.L. Dias , Dr. Pires Colony, Block 'B' Tiswadi-Goa. Pin Code 403 006 to come and take inspection of the said file.
13. In such an event the Complainant is directed to approach the office of the Respondent PIO, Dy. Collector & SDO, Margao, Salcete-Goa and take inspection of the Mundkar file bearing No. JM-I/Mund/Reg/Sernabatim/15/87/2832 and inform the PIO as to what pages of information documents he so desires.
14. The PIO will issue 30 pages of Xerox copies of information documents free of cost. The rest of the pages will be charged as per prescribed fee. In case the Complainant wants certified copies then he will have to pay a higher fee as notified as per the rules contained in notification DI/INF/RTI/BILL/05/5275 '**4 Fees Under other rules**'.
15. If the present PIO, Dy. Collector & SDO, Margao, Salcete-Goa finds that the said file is not traceable in the records of the office of the Additional Collector –I or in his own office despite diligent search, then he shall inform the Complainant as above accordingly.

**With these directions the Complaint case stands closed.**

All proceedings in the Complaint case 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**

