

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

Penalty 08/2018
In
Appeal No. 190/2017

Mr. Datta G.D'Souza,
Through his Power of Attorney,
Mr. Nilesh V. Parvatkar,
H.No. M-270, Mollar,
Corlim Tiswadi Goa.

.....Appellant.

V/s.

1. Public Information Officer
Asst. Director of Transport (North),
Panaji Goa.

2. Dy. Director of Transport, Respondents
North, Goa,
Panaji Goa.

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 04/05/2018

ORDER

1. This Commission while disposing the above Appeal vide order dated 31/1/2018 had directed to issue show cause notice to the public authority u/s 19(8)(b) of RTI Act, 2005
2. In view of the said order the proceedings stood converted into penalty proceedings.
3. Accordingly showcause notice was issued to public authority on 6/2/2018 u/s 19(8)(b) of RTI Act 2005.
4. Advocate Kishore Bhagat appeared and filed his reply on 25/4/2018 on behalf of public authority i.e. the Directorate of Transport (Enforcement) North Goa at Panaji.
5. The copy of the said reply was furnished to the Advocate S. Naik representing appellant
6. Arguments were advanced by both the parties.

7. The Advocate for the appellant submitted that he had sought the said information in order to approach the competent authority as according to appellant the transfer of permit in respect of vehicle No. GA-01-T-7248 was not submitted by him and the transfer of said permit is done illegal by the officials of public authority concerned herein. It was further submitted that said information was sought by him in larger public interest in order to expose the irregularities done by the public authority. He further submitted that the earlier complaints and the applications were filed before the concerned authority bringing to their notice the said fact. However it felt on their deaf ears and no action on the said was taken by the public authority concerned herein.
8. The Advocate for the Respondent PIO Shri K.L. Bhagat contended that the said bus was transferred in the name of Mr. Parodkar at the request of appellant on 20/5/2010 and the decision for such transfer is being taken by RTA after having verified all the relevant documents .
9. It was further contended that appellant did not present any complaint as regard to transfer of said permit in the name of Mr. Harshad to RTA.
10. It is further contended by the Advocate for the PIO that the missing of the said records was by inadvertence at the time of shifting of the office from one premises to other, so also due to the leaking of the roofs due to the monsoon and as such it is his contention that the missing of the said records was neither intentional nor due to negligence. However said statement have not been substantiated with any convincing documentary evidence.
11. It is further contended that the appellant has not produce any documentary evidence nor has established that he had suffered any loss or damage as such it is their case that appellant is not entitle for any compensation .

12. I have considered the submissions made on behalf of both the parties.
13. The facts remains that the appellant had sought for the said information somewhere in the year 2017 and till date the files pertains to above information has been reported by the public authority and the PIO still not traceable in the office. Such lapse has resulted in appellants approaching several authorities including this Commission.
14. The right of appellant has been violated due to non furnishing of the information by Public authority. He had sought the said information with specific purpose. He has been deprived of an opportunity of taking recourse to legal remedies
15. If the correct and timely information was provided to the appellant, it would have saved his valuable time and hardship caused to him in pursuing the said appeal before different authorities. It is quite obvious that appellant has suffered lots of harassment and mental agony and torture in seeking information under RTI Act which is denied to him till date. If the public authority has preserved the records properly and if the PIO had taken prompt steps in providing the information, such an harassment and detriment could have been avoided. It appears that the public authority itself was not serious in preservation of records. If such an attitude of public authority if taken lightly would definitely frustrate the very objective of the RTI Act itself and further obstruct in bringing transferecy in the affairs of the public authority .
16. Public authority must introspect that non furnishing the information lands the citizen/information seeker before first appellate authority and also before this commission resulting into unnecessary harassment of a common man which is socially abhorring and legally impermissible, therefore some sought for compensation help in carrying the social grief.

17. Considering the principals of general damage, I find this is an fit case for awarding, compensation to the Appellant which, notionally quantify as Rs. 3,000/- .
18. In the above circumstances, following order is passed:-

ORDER

- a) Public Authority concerned herein i.e. Directorate of transport (Enforcement),North-Goa , Panaji is hereby directed to pay Compensation of Rs. 3,000/-(rupees three thousand only) to appellant within three weeks from the date of receipt of the Order and thereafter to file compliance report to this Commission.
- b) The right of the appellant to seek same information from PIO, free of cost is kept open, after the said information is traced.

Proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Ak/-