

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

CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner

Appeal No 07/2018

Shri Siddesh S. Simepurushkar
R/o. Flat No. F2,
Ananta Apartment, Angod Waddo,
Mapusa, Bardez-GoaAppellant

V/s

1) The Public Information Officer,
Administrator of Comunidades (North Zone),
Mapusa Bardez-GoaRespondent

Filed on: 10/01/2018
Decided on: 15/03/2018

ORDER

1. The appellant Shri. Siddesh Simepurushkar herein by his application dated 23/10/2017 filed under section 6(1) of Right to Information Act, 2005 sought certain information from the Respondent No. 1 Public Information Officer (PIO), Office of Administrator of Comunidade (North Goa), at Mapusa-Goa as stated therein in the said application.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1st appeal on 27/11/2017 before the Additional Collector-II, North Goa District at Panajim, being First appellate Authority (FAA) .

3. The Respondent no. 2 First appellate authority by an order, dated 20/12/2017, allowed the said appeal and directed PIO to furnish the information as sought by the appellant vide his application dated 23/10/2017 within 15 days, free of cost, from the date of receipt of the order.
4. It is contention of the Appellant that the Respondent No. 1 PIO did not comply the order of the First Appellate authority and as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act 2005 on 10/01/2018.
5. Notice were issued to both the parties. In pursuant to which appellant appeared in person. Respondent No. 1 PIO was represented by Arjun Mandrekar and by acting Secretary Shri. Ramesh Tulaskar.
6. Reply filed by respondent PIO on 15/03/2018 thereby enclosing the copies of available information. Copies of the same was furnished to the appellant .
7. On verification of the information, the appellant submitted that the information furnished to him as per his requirement and that he has no any further grievance in respect of information furnished to him. However he pressed for the penal provisions.

8. I have scrutinize the records available in the files so also considered the submissions of both the parties .
9. Primafacie it is seen from the records that the application u/s 6(1) of the RTI Act filed before PIO, on 23/10/2017, the Respondent No. 1 PIO did not bother to reply the same leave aside furnishing the information.
10. It is seen from the records that the order was passed on 20/12/2017 by the first appellate authority and till date the same has not been complied by Respondents No. 1 PIO.
11. From the records it is found that the first time the information furnished by the present PIO on 15/03/2018 and as such there is a delay approximately about four and half months in furnishing the information.
12. From the conduct of PIO it can be clearly inferred that the PIO has no concern to his obligation under RTI Act. It is also clear that PIO has no respect to obey the orders passed by his Senior Officers .
13. Once the order passed by the first appellate authority who is the senior in rank then PIO , there is no option with the PIO and he has to comply the order unless it is challenged with the appropriate forum.

14. The Right to Information Act, 2005 has been enacted with objective of promoting transparency and accountability in working of Government. It empowers citizen to keep necessary vigil on the instrument of the Governance and makes the Government more accountable to the govern. The Act is a big step towards making the citizen informed about the activities of the Government .
15. From the provision of the RTI Act, it indicates that entire responsibility in providing information sought rest on PIO and non compliance of mandate makes PIO liable for penalty action. The conduct of PIO herein appears to be suspicious and adamant vis-à-vis the intend of act in bringing transparency in the affairs of the Public Authority.
16. Considering the conduct of then PIO and indifferent approach to the entire issue, I find substance in the contention of the appellant that the PIO purposely and malafidely refused access to the information.
17. In the above given circumstances I dispose this appeal with following order;

ORDER

- a. Appeal partly allowed .

- b. Information being furnished to the satisfaction of appellant, I find no intervention of the commission is required thereto .
- c. Issue showcause notice to PIO as to why no action as contemplated u/s 20(1) of the RTI Act 2005, should not be initiated against him, for not responding the application of the appellant in terms of section 7 , delaying the information and for not complying the order of First appellate authority returnable on 2nd April, 2018 at 10.30 am.
- d. In case the PIO at the relevant time , to whom the present notice is issued is transferred , the present PIO shall serve this notice alongwith the order to him and produce the acknowledgment before this Commission or before the next date fixed in the matter alongwith the full name and present address of the then PIO

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