

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

Appeal No.184/2017

Mr. Avelino Menino Furtado,
A-204, Allan Villa Building,
Kalina Church Road,
Kalina, Santacruz (east),
Mumbai-400 029 .

....Appellant

V/s

1) Uday Prabhu Dessai,
Dy. Collector and SDO,
Salcete Margao Goa.

2) Mr. Johnson B. Fernandes,
Additional Collector-I ,
Office of the Collector South Goa,
Margao Goa.

.....Respondents

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

Filed on: 8/11/2017

Decided on:06/02/2018

J U D G M E N T

1. The appellant Shri. Avelino Furtado herein by his application dated 26/6/2017 filed under section 6(1) of Right To Information Act, 2005 sought certain information as stated therein in the said application from the Respondent No. 1 Public information officer of the office of the Dy. Collector and SDO, Salcete Margao Goa.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred first appeal before the Additional Collector -I being First Appellate Authority (FAA) on 3/8/2017.
3. It is contention of the Appellant that the Respondent No. 2 FAA did not dispose the First Appeal 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 25/10/2017.

4. Notices were issued to both the parties. In pursuant to which appellant was present in person. Respondent then PIO Shri Uday Prabhu Desai appeared initially and submitted that presently Shri Paresh Faldesai is officiating as PIO. Respondent NO. 2 was represented by Bhiku Desai .
5. Opportunity was granted to the respondent to file their say despite of same they failed to file any reply.
6. Considering the above circumstances I hold that the PIO and FAA has no reply to be filed and the averment made in the appeal are not disputed .
7. On scrutiny of the records it is seen that the application was filed by the appellant . It is seen that the application filed by the appellant on 26/6/2017. The said application was not responded by the Respondent PIO within time as contemplated under RTI Act. Under section 7(1) of the RTI Act. PIO is required to respond the same on or before 30th day. In the present case, it is found that the PIO has not responded to the application of the Appellant with the said stipulated period either by furnishing the said information or rejecting the request. It is also not the case of PIO that the information has been furnished to the Appellant or that he has responded to his application. The PIO has not given explanation for not responding the said application.
8. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. The above

circumstances leads me to prima facie hold that this action of PIO attracts penalty under section 20 of the Act.

9. The record also shows that even though the 1st appeal was filed by the appellant before Respondent No. 2 the same was not taken up for hearing. The said act on the part of Respondent No. 2 FAA is in contravention against RTI Act. The said Act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose the application under section 6(1) of RTI Act is within 30 days and to dispose 1st appeal is maximum within 45 days. The act on the part of both the Respondents are condemnable.
10. Nevertheless the appellant during the appeal proceeding before his commission submitted that the matter may be remanded back to the FAA as the said authority is competent to take action on his application for correction of clerical error on form I and XIV and Sanad.
11. In view of the submission of the appellant the following order is passed

ORDER

- a) The matter remanded back to the Respondent No. 2/ Addl. Collector -I, office of the Collectorate South Goa at Margao and the Respondent No. 2 FAA is hereby directed to give hearing to both the parties on first appeal earlier filed by appellant on 3/8/2017 and pass appropriate orders within stipulated time as contemplated under the section 19(1) of RTI Act .

- b) Both the respondent is here by directed to be vigilant henceforth while dealing with the RTI matter and if any lapses in future shall be viewed seriously.
- c) The right of the appellant to approach this commission if aggrieved by the decision of the FAA is kept open

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/-