

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No.61/2018/SIC-I

Shri Jawaharlal T. Shetye,
H. No. 35/A, Ward No. 11,
Khorlim-Mapusa-Goa Appellant

V/s

1. The Public Information Officer (PIO),
The Village Panchayat Secretary,
Village Panchayat Latambarcem, Bicholim-Goa
2. The First Appellate Authority,
Block Development Officer (BDO),
Bicholim-Goa Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 13/03/2018
Decided on: 19/04/2018

ORDER

1. The facts in brief arises in the present appeal are that Shri Jawaharlal T. Shetye vide application dated 6/11/2017, sought inspection of records and also information on 7 points as stated therein in the said application. The said information was sought from the respondent No. 1 PIO of Village Panchayat Latambarcem, Bicholim Taluka in exercise of his right u/s 6(1) of the Right To Information Act , 2005.
2. According to the appellant vide letter dated 26/12/2017 the Public Information Officer (PIO) provided him the information.
3. Being not satisfied with the information provided to him he filed first appeal before Block Development Officer (BDO) on 8/01/2017 being First Appellate Authority (FAA) who is Respondent No. 2 herein and the Respondent No. 2, FAA disposed the said appeal by order dated 19.02.2018 with the directions to search the office record and furnish the requisite

information to the appellant if available in the office record within 7 days from the date of receipt of the order and the appellant was directed to approach the Office of Village Panchayat Latambarcem for the requisite information during the office hours.

4. It is contention of the appellant as stated in the memo of appeal that he had not received any requisite information from PIO after the order of First Appellate Authority and as such he is forced to approach this Commission by way of second appeal.
5. In this background the present appeal came to be filed before this Commission on 13/03/2018 with the prayer for direction to PIO for furnishing the information and for invoking penal provision as against Respondent PIO as contemplated u/s 20(2) of the RTI Act 2005. Vide said appeal the appellant has also prayed for the directions to both the Respondents for implementation of provision of section 4(1)(a) and 4(1) (b) of RTI Act 2005.
6. Notices of appeal were given to parties. In pursuant to which appellant appeared only during first hearing and then opted to remain absent. Respondent No. 2 FAA was represented by Prakash Desai.
7. Respondent No. 1 PIO Shri Mukesh Naik appeared and filed his reply on 10/04/2018 thereby furnishing point wise information/answers to the points/information sought by the appellant by his application dated 6/11/2017. The copy of the reply could not be furnished to appellant on account of his absence. As such this Commission directed PIO to furnish the said information by speed post/registered A. D. and also directed to intimate next date of hearing to appellant on the covering

letter. The appellant was required to verify the information and report accordingly on the subsequent date of hearing.

8. On subsequent date of hearing the Respondent PIO placed on record the compliance report dated 19/04/2018 alongwith enclosures of having sent the information/Reply dated 10/04/2018 to the appellant by speed post on 11/04/2018 which was received by the appellant on 12/04/2018.
9. The respondent PIO submitted that the application of the appellant dated 6/11/2017 was received in their office only on 14/11/2017 and which was inwarded vide inward No. 880. He further submitted that the appellant has carried the inspection of the records on 12/12/2017 as sought by him vide his application, well within stipulated time of 30 days and thereafter the information was provided to him on 26/12/2017. It is his further contention that the Respondent No.2 FAA had directed appellant to approach their office for collection of requisite information. However, since the appellant did not visit no any further information could be handed over to him. It is submitted that process of implementation of section 4(1)(a) and 4(1) (b) of RTI Act 2005 has been already initiated by them and it is in progress.
10. Since the appellant have not approached this Commission with any grievance with regards to information furnished to him, I hold that no any intervention of this Commission is required thereto with respect to prayer no. 1. However, the liberty is given to appellant to seek any further information with respect to same subject matter if he so desires.
11. There is nothing brought on record by the appellant that the lapses on the part of the PIO are persistent and that he has with malafide intention has not complied the order of First

appellate Authority. On the contrary the PIO has tried to explain the reasons which appears to be probable and convincing.

12. As there is no convincing evidence placed on record by appellant, as such, I am of the opinion that this is not fit case for invoking provision of section 20(2) of the RTI Act 2005 as against Respondent PIO.

13. Appeal disposed accordingly. Proceeding 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

Kk/-