

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

Appeal No. 92/2018/SIC-I

Shri Minguel Fernandes,
 House NO. 1524,
 Vass-Vaddo, Benaulim,
 Salcete Goa.

....Appellant

V/s

1) The Public Information Officer,
 The Mamlatdar of Salcete, Taluka,
 Mathany Saldhana Administrative Complex,
 Margao Goa.

2) The Deputy Collector and Sub Divisional Officer,
 First Appellate Authority,
 South Goa District, Margao,
 Mathany Saldhana Administrative Complex,
 Margao Goa. .

.....Respondents

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

Filed on: 25/06/2018
Decided on: 26/07/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Minguel Fernandes by his application dated 15/01/2018 filed under section 6(1) of Right To Information Act, 2005 sought from Respondent No. 1 PIO certain information/certified copies of the documents of mutation files under survey No. 43/1 and 62/1, Village of Seraulim-Salcete Goa.
2. According to the appellant his said application was not responded by the PIO nor the information was furnished to him as such considering the same as rejection the appellant filed 1st appeal on 20/3/2018 before Respondent no. 2 which was final disposed by order dated 3/4/2018. By this order the Respondent No. 2 First appellate Authority (FAA) directed

Respondent no. 1 PIO to furnish the information as sought by the appellant vide his RTI application 15/1/2018 , within 10 days free of cost from the date of receipt of the order .

3. It is contention of the Appellant that inspite of the said order the said information was not furnished and hence the appellant has approached this commission on 25/6/2018 in the second appeal seeking relief of direction to PIO to furnish the information as also seeking penal action for not giving information within time .
4. The matter was taken up on board and was listed for hearing. In pursuant to the notice of this commission the appellant was present in person. Respondent no. 2 was represented by Shri Samir Naik. Respondent No. 1 PIO opted to remain absent despite of due service of notice.
5. Opportunities were granted to Respondent PIO to file his reply, despite of same PIO never bothered to appear and no reply was filed on behalf of PIO. Being so the submission on behalf of appellant were heard.
6. The appellant in his submission submitted that he is knocking the doors of different authorities to get the said information. He further submitted that the said information was sought by him with a specific purpose in order to redress his grievance before appropriate forum. He further submitted that the information has not furnished to him intentionally and deliberately. He further submitted that the PIO shown scant regards for this commission as he deliberately opted to remain absent . He further submitted that PIO also did not adhere to the directions given by the Respondent No. 2 First appellate authority vide order dated 3/4/2018. He further submitted that lots of valuable time and energy has been lost in pursuing his

application. And on above ground he prayed for directions to PIO for furnishing him the information on priority basis and also for invoking penal provisions.

7. As the respondent PIO did not file any reply I presumed and hold that the averment made by the appellant in the memo of appeal are not disputed by him .
8. I have perused the records and consider submission on behalf of appellant. As per the records the application u/s 6(1) of the act was filed on 15/1/2018 u/s 7(1) of the Act the PIO is required to respond the same within 30 days from the said date. There are no records produced by the PIO the same is adhered to. The contention of the appellant in the appeal is that the said application was not responded to at all by the PIO thus from the undisputed and unrebutted averment , the PIO has failed to respond appellant application nor has furnished the information.
9. The order dated 3/4/2018 was not complied by the Respondent PIO. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligation under the RTI Act or has no respect to obey the order passed by the senior officer. Such a conduct of PIO is obstructing transparency and accountability appears to be suspicious and adamant vis-a-vis the intent of the Act.
10. Be that as it may , the PIO is duly served by this commission with the notice in the above appeal in spite of which the PIO has failed to appear and show as to how and why the delay in responding the application and/or not complying the order of first appellate authority was not deliberate and /or intentional.
11. From the above gesture PIO I find that the entire conduct of PIO is not in consonance with the act. Such a lapse on part

of PIO is punishable u/s 20(1) and 20(2) of the RTI Act . However before imposing penalty, I find it appropriate to seek explanation from the PIO as to why penalty should not been imposed on him for the contravention of section 7(1) of the act, for not compliance of order of first appellate authority and for delaying the information.

12. I therefore dispose the present appeal with order as under ;

Order

Appeal allowed

- a) The Respondent No. 1 PIO is directed to comply with the order passed by the First appellate authority dated 3/4/2018 and to provide the information to the appellant as sought by him vide his RTI Application dated 15/1/2018, within 20 days from the date of receipt of this order by him.
- b) Issue notice to respondent No. 1 PIO to Showcause as to why no action as contemplated u/s 20(1) and /or 20(2) of the RTI Act 2005 should not be initiated against him for contravention of section 7(1) for not complying the order of first appellate authority and for delay in furnishing the information.
- c) In case the PIO at the relevant time, to whom the present notice is issued , is transferred , the present PIO shall serve this notice along with the order to him and produce the acknowledgement before the commission on or before the next date fixed in the matter alongwith full name and present address of the then PIO.
- d) Respondent, PIO is hereby directed to remain present before this commission on 13/08/2018 at 10.30 am alongwith written

submission showing cause why penalty should not be imposed on him .

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