

GOA STATE INFORMATION COMMISSION

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

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

Complaint No. 1/2018

**Mr. Avelino Menino Furtado,
A-204, Allan Villa Building,
Kalina Church Road,
Kalina, Santacruz (East),
Mumbai-Maharashtra, Pin Code:- 400 029**

..... .Complainant

V/s

- 1. Dy. Collector and SDO,
Office of the Collector, Salcete, Margao-Goa
South Goa 403601**
- 2. Mr. Johnson B. Fernandes,
Additional Collector-I, Office of the Collector South Goa, 403601**
- 3. Mr. Paresh Faldesai, Dy. Collector (Revenue) and PIO
Dy. Collector (Revenue) and PIO,
Collectorate of South Goa-403601**
- 4. Mr. Uday Prabhu Dessai, Dy. Collector and PIO/SDO,
Margao, Salcete-Goa 403601**
- 5. Mr. Agnelo A. J. Fernandes,
Additional Collector-I
South Goa District Goa 403601**
- 6. Mr. Amir Parab, Deputy Collector Revenue and PIO
Collectorate of South Goa -403601**

...Respondents

Filed on: 11/01/2018

Decided on: 15/03/2018

ORDER

- 1.** This order dispose the present Complaint filed by the Complainant Shri Avelino Menino Furtado under section 18 (1) of the Right to Information Act 2005.
- 2.** In pursuant to notice of this Commission Complainant was present in person. PIO Paresh Faldesai appeared and rest opted to remain absent despite of due service of notice. Complainant

as well as Opponent No. 1 submitted to dispose the matter on merits.

- 3.** On going through the records it is seen that various applications of various dates are filed by the Complainant. In the present Complaint the Complainant has clubbed several RTI applications and filed a common Complaint against various PIO'. Though the subject matter is common, each application constitute a distinct and separate cause of action for the purpose of grant of relief. The Complaint has resulted in misjoinder of cause of action. Independent separate complaint should have been filed in respect of each application and not consolidated as is done herein. It is not permissible to club all the applications together and to file a common complaint. Such an excise would take away the valuable right of defence, which has accrued in favour of opponent.
- 4.** Further Complainant have also not specifically sought any relief in memo of complaint.
- 5.** In the above given circumstances I find that the Complaint which involves defect in nature of misjoinder of causes of action would not be maintainable. However, considering the principal and Aim and object of RTI Act it is beneficial to information seeker and such defect in appeal/Complaint should not hamper the right of the information seeker.
- 6.** In the above given circumstances I proceed to dispose complaint with the following:-

ORDER

The Complaint stands dismissed. However the Complaint shall be at liberty to file independent/separate Complaint with respect to his various RTI application in accordance with law if he so desires.

With the above directions , the Complaint proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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

Kk/-