

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

Appeal No. 39/2019/SIC-I

Shri Santana Piedade Afonso,
H.No. 263, Comba Central,
P.O.Cuncoim,
Salcete Goa

....Appellant

V/s

1. Shri Joao B. Fernandes,
Public Information Officer (PIO),
Office of the Mamlatdar of Salcete Taluka ,
1st floor, Mathanay Saldanha,
Administrative Complex,
Margao- Salcete Goa.
2. Shri Uday Naik,
Deputy Collector & SDO,
The First Appellate Authority,
1st floor, Mathanay Saldanha,
Administrative Complex,
Margao- Salcete Goa.

.....Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner.

Filed on:18/02/2019
Decided on: 26/3/2019

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Santana Piedade Afonso by his application dated 30/7/2018 sought for Sou moto inspection of the tenancy purchase case filed vide No. JM-I/TNC/Pur/Dramapur/577/98 and the certified copies of all the relevant document pertaining to the said tenancy purchase case file. The said information was sought from the Respondent No. 1 the Public Information Officer (PIO), office of Mamlatdar of Salcete Taluka, Goa in exercise of appellants right under sub-section (1) of section 6 of RTI Act.
2. It is the contention of the appellant that he made several visits to the office of PIO requesting him to allow inspection of the said file but the then PIO gave him excuses that the file is not traceable or found.

3. It is the contention of the appellant that his above application filed in terms of sub section 1 of section 6 was not responded by the Respondent PIO herein within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal on 23/10/2018 before the First appellate authority (FAA) interms of section 19 (1) of RTI Act.
4. It is the contention of the appellant that the Respondent No.2 First appellate authority passed an order on 13/12/2018 directing the PIO to provide the information free of cost to the appellant as sought by him vide his application dated 30/7/2018 within 15 days from the date of the order.
5. It is the contention of the appellant that the despite of the order from the Respondent no. 2 first appellate authority, PIO did not provide him information as such he being aggrieved by the action of Respondent PIO, is forced to approach this commission on 18/2/2019 in his 2nd appeal seeking relief of directions to PIO to furnish the information as also seeking penalty on the grounds raised in the memo of appeal.
6. Notices were issued to both the parties. Appellant was present in person. Respondent PIO Shri Prataprao Gaunker was present . Respondent No. 2 represented by Shri Abhishek Naik .
7. The reply was filed by respondent no.1 PIO alongwith enclosures/information on 26/3/2019 and by respondent No. 2 First appellate authority on 26/3/2019. The copy of both the replies along with the enclosures/information was furnished to the appellant.
8. The present PIO submitted that he had joined the office of Mamlatdar of Salcete Taluka at Margao on 22/2/2019 and when the application was filed Shri Joao B. Fernandes was designated as PIO. He further submitted that he had traced out the file on 19/3/2019 and they are in the process of doing inventory of old

file. He further submitted that he has carried the original file and also made the certified copy of the documents.

9. The appellant after inspection of the said file and also verifying the information furnished to him by present PIO submitted that he is satisfied with the information furnished to him, he further submitted that his main intention is to receive the information and since now the information and the inspection has been given to him, he does not have any further grievance against the Respondent PIO and hence he is not pressing for penal provisions. Accordingly he endorsed his say on memo of appeal.
10. Since the available information have now been provided to the appellant, I find no intervention of this commission is required for the purpose of furnishing information hence prayer-(a) becomes infructuous .
11. It is seen from the records that then PIO has not acted with a conformity with the provisions of RTI Act and hence then PIO is here by admonished and directed to be vigilant henceforth while dealing with RTI matters. Any lapses found in future shall be viewed seriously.
12. In view of submission and endorsement made by the appellant I find nothing survives to be decided in the present matter.

Appeal disposed accordingly. 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