

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 147/2019/SIC-I

Shri Kashinath Shetye,
102,Raj Excellency, Ribandar,
Tiswadi-Goa.

...Appellant

V/s

1. The Public Information Officer,
Celina Rodrigues (Section Officer Home),
Department of Home (General)
Secretariat ,Porvorim- Goa.
2. First Appellate Authority,
Additional Secretary(Home),
Department of Home (General)
Secretariat ,Porvorim- Goa.

.....Respondents

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

Filed on: 22/05/2019

Decided on:15/07/2019

ORDER

1. The facts in brief which are involved herein are that appellant Shri Kashinath Shetye by his application, dated 18/02/2019, filed u/s 6(1) of RTI act, 2005 sought from the Respondent No. 1, Public Information Officer (PIO), information on 6 points pertaining to the grant of Arms Licenses granted in the state of Goa from 2014 till 05/02/2019.
2. It is the contention of the appellant that the said application of his was responded by Respondent no. 1 PIO on 28/02/2019 in terms of section 7(1),wherein information at point no.6 was offered to the appellant on payment of amount of Rs. 18/- and other information i.e at point number 1 to 5 was denied to the appellant on the ground that it is a personal information interms of section 8(1) (j) of RTI Act, 2005.

3. It is the contention of the appellant that he being aggrieved by said response, approached Respondent No. 2 the First Appellant Authority (FAA) on 11/03/2019 by way of first appeal and the Respondent No. 2 First Appellant Authority vide order dated 17/05/2019 disposed the said appeal there by directing the Respondent No. 1 PIO to consider the appellant application dated 18/02/2019 filed under RTI Act, 2005, with respect to point no. 1 to 5 of his application afresh.
4. It is the contention of the appellant that he being aggrieved by the said order dated 17/05/2019 of Respondent No. 2 and the reasoning given thereof and as the inspection of the records and as no information was furnished to him as per the mandate of RTI Act, 2005, he had to approach this commission on 22/05/2019 with his second appeal u/s 19(3) of the RTI Act, 2005 on the grounds raised in the memo of appeal. The appellant has prayed this commission for directions to furnish him information as also for actions against PIO.
5. After notifying both the parties the matter was taken up on board. In pursuant to notice of this commission, the appellant appeared in person. Respondent No. 1 PIO Miss Celina Rodrigues was present. Respondent No.2 First Appellant Authority opted to remain absent neither filed any say to the proceedings .
6. During the course of the hearing on 24/06/2019, the respondent No.1 PIO submitted that in compliance to the order of respondent no. 2 First Appellant Authority dated 17/05/2019, she vide her letter dated 31/05/2019 had request the appellant to inspect the file in the Home Department on any working day with prior appointment. She further submitted that despite of said letter appellant did not carry out the inspection till date. She further volunteered to give the inspection of the records and the information to the appellant as sought by him vide his application dated 18/02/2019.

7. The appellant submitted that he did not visit the office of the respondent PIO and also did not carry out the inspection as the matter was sub-judice before this commission. The appellant showed his wiliness and agreed to visit the office of PIO for purpose of carrying out the inspection and also agreed to short list his requirement after inspection.
8. Accordingly on the subsequent date of hearing i.e on 12/7/2019 the Respondent PIO submitted her reply along with the enclosure. The copy of the same was furnished to the appellant on 15/7/2019.
9. The Respondent PIO submitted that the appellant has carried out the inspection of the records on 27/6/2019 and collected the information on 11/7/2019 and in support of her contention she relied upon letter dated 31/5/2019 addressed to the appellant by her bearing the acknowledgment of the appellant .
10. Appellant also fairly admitted of having carried out the inspection and of receiving the information and endorsement to that effect have been made by the appellant on the memo of appeal .
11. Since now the information has been provided to the appellant, no intervention of this commission is required for the purpose of furnishing the information and as such the prayer (i) becomes infractious .
12. The facts of the present case doesn't warrant the levy of penalty on PIO as it is seen from the records that the application under RTI filed by the appellant was responded well within the period of 30 days. The bonafide have been shown by the PIO in complying the order of first appellate authority. Only lapse found in this case was that the Respondent no. 2 first appellate authority have not disposed the first appeal within 30 days time as contemplated u/s 19 (6) of RTI Act. From the records it is

seen that the first appeal was filed on 11/3/2019 however it is seen from the date of the order that it was disposed only on 17/5/2019. There is a delay in disposing the first appeal. Hence the Respondent no.2 first appellate authority is hereby directed to be vigilant henceforth while dealing with RTI matter and to comply with the provisions of RTI Act in true spirit

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 under the Right to Information Act 2005.

Sd/-

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