

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.19/SIC/2012

Engr. Rabindra A.L. Dias ,
Dr. Pires Colony, Block "B"
Cujira, St. Cruz,
Tiswadi - Goa

..... Appellant

v/s

1. The Public Information Officer,
O/o the Dy. Collector & S.D. O.,
Margao, Salcete , Goa.
2. The Public Information Officer,
O/o the Mamlatdar of Salcete
Margao, Salcete, Goa.
3. The First Appellate Authority
O/o the Additional Collector –I,
Collectorate Bldg. South
Margao Salcete, Goa

..... Respondents

Relevant emerging dates:

Date of Hearing : 10-04-2019
Date of Decision : 10-04-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 18/05/2011 addressed to PIO, Dy. Collector & SDO, Margao, Salcete Goa, sought information under Section 6(1) of the RTI Act, 2005 pertaining to Case No. SDO/SAL/MUND/PUR-CRET/22/2010/5020 pertaining to the Goa Daman & Diu Mundkars (Protection of Eviction) Act, 1975 in Survey No. 67/3 (part), situated at Sernabatim Village, Salcete Taluka, Goa. The information sought is at 47 points as contained in the RTI application therein.
2. It is seen that PIO transferred the RTI application filed by the Appellant to the PIO, Mamlatdar of Salcete, Margao –Salcete, Goa vide Memorandum No. SDO/SAL/RTI/9/2011/2749 dated 19/05/2011. It is the case of the appellant that this PIO has not furnished any information and as such the Appellant filed a First Appeal dated 28/06/2011 and the First Appellate Authority (FAA) passed order dated 13/09/2012 and directing Respondent 2, PIO, Mamlatdar of Salcete to furnish the information. ...2

3. Being aggrieved that despite the Order of the FAA, the information has not been furnished by the PIO, the Appellant has filed a Second Appeal registered on 19/01/2012 before the Commission and has prayed to direct the PIO, Mamlatdar of Salcete, Margao –Salcete, Goa to furnish information free of cost and for penalty, compensation and other reliefs.
4. **HEARING:** This old matter has come up for hearing on numerous previous occasions and hence taken up for final disposal. During the hearing the Appellant Engr. Rabindra A.L. Dias is present in person. Respondent No.1 is absent and Respondent No. 2 is represented by Smt. Sharad Naik, Head Clerk, O/o Mamlatdar of Salcete.
5. **SUBMISSIONS:** The Appellant submits that after filing the RTI Application on 18/5/2011 to the PIO, O/o Dy. Collector and SDO, Margao, the same was transferred vide Memorandum No. SDO/SAL/RTI/9/2011/2749 dated 19/05/2011 to PIO, Mamlatdar of Salcete who did not furnish the information and has also not complied with the Order of the First Appellate Authority (FAA) dated 13/09/2012 and that the Commission should issue directions to the said PIO to furnish the information free of cost.
6. **FINDINGS:** The Commission after hearing the appellant and perusing the material on record finds that PIO has filed a reply dated 10/07/2012 and stated in para 9 thus: 'As per the directions of the First Appellate Authority & Additional Collector I, South in RTI Appeal No. RTI/AC-I/2011 , the Dy. Collector & SDO and PIO, Margao had forwarded certified Xerox copies of the documents containing total pages 117 from the file bearing No. Mund/Review Application No. 2/5/86-RD of the Court of Mamlatdar of Salcete, which has also been inspected by the Appellant. Copy of the letter of Dy. Collector & SDO forwarding the documents is annexed hereto and marked as Exhibit 'B'.

7. The Commission further finds that there is another reply dated 10/04/2019 filed by the PIO along with enclosures, stating that every effort has been made to trace the file within the stipulated time and which could not be traced and the same was also informed to the appellant. The Commission also finds that there is a Memorandum dated 01/03/2019 issued directing the court clerks / DEO's to do an inventory of all the disposed files and to trace the missing file and report compliance.
8. There is another letter dated 26/02/2019 from the Head Clerk stating that every effort was made to trace the file but due to non availability of the file, the information could not be provided to the appellant. There is one more earlier letter dated 26/02/2019 from the PIO also directing the court clerks to trace the file.
9. **DECISION:** The Commission accordingly comes to the conclusion that despite diligent efforts of the PIO and his staff, the said file is not traceable and as such the information could not be furnished. As stipulated in the RTI act the role of the PIO is to furnish information as is available from the records. The PIO is not called upon to create information or to do research to satisfy the whims and fancies of the Appellant. As the said file is not traceable the information could not be furnished and thus the PIO cannot be faulted. **Nothing further survives in the appeal case which stands disposed.**

The PIO is directed to file missing complaint regarding the missing file. With these observations all proceedings in the appeal case are closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner