

GOA STATE INFORMATION COMMISSION

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

Appeal No. 250/2019/SIC-I

Shri T.A. Patil,
Solacia Society, f-4/102,
Behind Moze College of Engineering,
Baif Road Wagholi Pune 412207(M.H).

....Appellant

V/s

1) The Public Information Officer (PIO),
O/o The Collector(North Goa),
Revenue Section, Collectorate Building.

2) First Appellate Authority (FAA),
The Collector(North Goa),
Revenue Section, Collectorate Building,
Panaji Goa. 403001.

.....Respondents

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

Filed on: 18/7/2019

Decided on: 20/9/2019

ORDER

1. The second appeal came to be filed by the appellant Shri T. A. Patil on 18/7/2019 against the Respondent No.1 Public Information Officer of revenue Section of Office of Collector North-Goa, at panajim and against Respondent no. 2 first appellate authority under sub section (3) of section 19 of Right To Information Act, 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 9/5/2019 had sought for status of the petition forwarded to the collector North Goa District at Panajim vide letter No.1/28/2016-RD/Repres/269 dated 30/1/2019 by the Under Secretary (Revenue-I) of the Revenue Department, Secretariat, Porvorim-Goa.
3. The said application was filed by the appellant in exercise of his right u/s 6(1) of RTI Act, 2005.

4. 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 no 1 Public Information Officer (PIO) within stipulated time of 30 days neither the information was provided to him till this date and as such deeming the same as rejection, the appellant filed 1st appeal to Respondent no 2 the Collector of North-Goa District at Panaji on 21/6/2019 being first appellate authority.
5. It is the contention of the appellant that the Respondent No. 2 first appellate authority, did not hear him nor disposed his first appeal within stipulated time as such he is forced to file the present appeal.
6. In the above background the appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission in this second appeal u/s 19(3) of the act with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish the information .
7. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which appellant opted to remain absent . Respondent No. 1 PIO Smt. Asha Harmalkar was present. The Respondent No.2 First Appellate Authority (FAA) opted to remain absent.
8. A written submission were submitted by appellant through post with registry of this Commission which was inwards vide entry No. 1408 dated 11/9/2019. The copy of the same was furnished to the Respondent PIO on 20/9/2019.
9. Reply filed by Respondent no. 1 PIO on 20/9/2019. The copy of the same could not be furnished to the appellant on account of his absence however the PIO undertook to furnish the said copy to the appellant by post.

10. The appellant vide his written submission have submitted that both the respondents are not serious about attending his petition to her Excellency Governor of Goa dated 12/11/2018 and to provide status of petition forwarded to them vide letter No. 1/28/2016-RD/Repre/269 dated 30/1/2019 for taking necessary action and it is lying with them unattended for a period of nearly 11 months . it was further contended that interms of the section 4(1) (d) of the RTI Act, 2005, it is required to provide the reasons for administrative or Quashi judicial decision to the effected person and as such he is entitled to know the status of his complaint.
11. The respondents PIO vide her reply have admitted of filing the application dated 9/5/2019 by the appellant to the PIO of collector of North-Goa. However it is her contention that requested information is not pertaining to the office of Respondent No. 1 and the same is being dealt by the Civil Administrative Branch (CAB) of Collector of North Goa under the Deputy Collector(LA). It is her further contention that the said RTI application was marked to Deputy Collector(LA) North-Goa and PIO and therefore the Deputy Collector (LA) ought to have been party to the present appeal proceedings instead of them and on that ground she prayed to discharge/drop her from the present appeal proceedings.
12. Since the Respondent No. 1 herein is not the custodian of the information sought by the appellant , and as the same pertains and dealt by the Civil Administrative Branch (CAB) of Collector of North Goa under Deputy Collector (LA), in view of the Judgment passed the Hon'ble Apex Court in civil Appeal No.6454 of 2011,central Board of Secondary Education and another v/s Aditya Bandopadhyay and by the Hon'ble Delhi High court in LPANo. 24/2015 and CM No. 965/2015 ,registrar of supreme court v/s commondore Lokesh k. Batra and others , no directions can be issued to respondent No.1 herein to collect and collate such non-available information and then furnish it to an applicant .

13. As the original records as submitted by the Respondent No.1 PIO since are available with the Civil Administrative Branch (CAB) of Collector of North Goa under Deputy Collector (LA) at Panaji , I find ends of Justice will meet with appropriate directions to Respondent NO.1 herein to transfer the same in terms of sub-section (3) of section 6 of RTI Act , Hence the following order .

ORDER

The Respondent No.1 PIO of the office of the collectorate (North-Goa), Revenue section at Panaji is hereby directed to transfer the RTI application dated 9/5/19 filed by the appellant herein to the PIO of the Civil Administrative Branch (CAB) of Collector of North Goa under the Deputy Collector(LA) at Panaji in terms of section 6(3) of RTI ACT,2005 .

With the above directions ,the Appeal Proceeding 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