

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 152/2019/SIC-II

Anil Govind Naik,
2/G-3, Dukle Residency,
Tambadi mati,
Taleigao – Goa. 403 002.

..... Appellant

v/s

1. The Public Information Officer,
Office of Chief Minister,
Secretariat, Govt. of Goa,
Porvorim, Bardez – Goa.

2. The Director/PIO,
Directorate of Education,
Porvorim – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 15-10-2019

Date of Decision : 15-10-2019

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 12/11/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o Chief Minister, Govt. of Goa, Porvorim, Bardez-Goa.
2. The Appellant *inter alia* is seeking certified copies of the file noting's and action taken by the Hon'ble Chief Minister on the complaint filed by Shri. Anil Govind Naik who is the Appellant himself against the Director of Education dated 05/12/2017 and a representation made by him dated 29/01/2018 and also with respect to the several reminders sent being Reminder No.1 dated 22/05/2018, Reminder no.2 dated 31/07/2018 and Reminder no.3 dated 05/11/2018 and for delay in taking prompt action on complaint filed for such long time of almost 2 years by the Office of Hon'ble Chief Minister.
3. It is seen that the PIO as per 7(1) vide reply no. 1-15-2018/CM/608 dated 23/11/2018 informed the Appellant that the representation dated 05/12/2017, 29/01/2018, 29/01/2018, 31/07/2018 and 05/11/2018 has been marked to the Director of Education. ...2

4. Not satisfied with the reply, the Appellant filed a First Appeal on 11/01/2019 and the First Appellate Authority (FAA) vide an Order dated 12/03/2019 disposed off the First Appeal by upholding the reply of the PIO. The FAA in his order observed in the last paragraph thus: " the respondent is required to transfer the application to the authority who is holding the information and the authority should furnish the information free of cost to the appellant. Further in order not to leave any scope for further grievances of the appellant in this regard this authority considers it appropriate to issue directions to the respondent to allow this applicant to inspect the outward registers of the office pertaining to application of the respondent".
5. Being aggrieved that despite the Order of the FAA, complete information has not been furnished, the Appellant thereafter has approached the Commission by way of a Second Appeal registered on 27/05/2019 and has prayed that the requested information be furnished to the Appellant fully and correctly without reserving any information and for other such reliefs.
6. **HEARING:** During the hearing the Appellant, Shri. Anil Govind Naik is present in person. The Respondent PIO, Shri. Bhushan Savaikar, Jt. Secretary to C.M, O/o Chief Minister, Govt. of Goa, Porvorim is present in person. The Respondent No.2 is absent.
7. **SUBMISSIONS:** The Appellant submits that as per the order of the FAA, he has inspected the outward register and also agrees that the RTI Application has been transferred to the PIO, Directorate of Education vide letter no. 1-15-2019/CM/22 dated 26/03/2019 and that the only grievance that remains is whether some information is held with the Secretary of Education. The Appellant states that he is only interested in receiving the file notings, if any, made by Hon'ble Chief Minister and not interested in receiving any other information.
8. The PIO submits that after receipt of the RTI Application dated 12/11/2018 he had furnished a reply no. 1-15-2018/CM/608 dated 23/11/2018 and the Appellant was informed that the representation dated 05/12/2017, 29/01/2018, 29/01/2018, 31/07/2018... ...3

..... and 05/11/2018 have been marked to the Director of Education. The PIO finally submits that he has also complied with the order of the FAA dated 12/03/2019 and transferred the RTI Application to the PIO, Directorate of Education vide letter no. 1-15-2019/CM/22 dated 26/03/2019 and the Appellant also inspected the outward register.

9. **FINDINGS:** The Commission after hearing the both parties and perusing the material on record finds that the PIO had furnished reply in time bound manner and also informed the Appellant by letter dated 23/11/2018 that the representation dated 05/12/2017, 29/01/2018, 29/01/2018, 31/07/2018 and 05/11/2018 have been marked to the Director of Education. The Commission also finds that the PIO has complied with the order of the FAA and transferred the RTI Application to the PIO, Directorate of Education and also to Secretary Education. Further the PIO also allowed the Appellant to inspect the outward register.
10. **DECISION:** As the Appellant is interested in receiving information of file noting, if any, by the Hon'ble Chief Minister and if some information of such file noting is available with the Secretary Education, the Commission accordingly directs the PIO, Directorate of Education to verify from the records, if such file notings are available in the Office of the PIO, Directorate of Education or are held in the O/o Secretary Education. If such information is available, the same be furnished to the Appellant. In case no such information is available, then the PIO is directed to intimate the non availability of the same to the Appellant. The said directions should be complied within 30 days of the receipt of the order (latest by 20/11/2019).

With these directions the appeal case stands disposed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner

