

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 75/2019/SIC-II

Jawaharlal T. Shetye,
H. No. 35/A, Ward No. 11
Khorlim, Mapusa – Goa.
403 507

... **Appellant**

v/s

1. The Public Information Officer,

Mapusa Municipal Council,
Mapusa- Goa. 403 507

2. The First Appellate Authority,

The Chief Officer, (Shri. Clen Madeira)
Mapusa Municipal Council,
Mapusa- Goa. 403 507

.....**Respondents**

Relevant emerging dates :

Date of Hearing : 06-05-2019

Date of Decision : 06-05-2019

O R D E R

1. **Brief facts of the Case** are that the Appellant has filed a Second Appeal before the Commission registered on 22/03/2019 being aggrieved with the fact that although he had filed an RTI application dated 17/12/2018 u/s 6(1) seeking information and the Respondent PIO has not given any reply nor furnished any information u/s 7(1) and further even on filing the First appeal as per 19(1), the First Appellate Authority (FAA) has not passed any order and as such has prayed to direct the Respondent to furnish correct information without charging any fees and to impose penalty and other such reliefs.
2. **HEARING:** During the hearing the Appellant Shri. Jawaharlal T. Shetye is present in person. The Respondent PIO & FAA are absent.
3. **SUBMISSIONS:** Shri. Jawaharlal T. Shetye submits that the PIO has not given any reply nor furnished any information u/s 7(1) to his RTI application dated 17/ 12/ 2018 and further even on filing the First appeal, the First Appellate Authority (FAA) has not passed any Order and as such requests that the matter be remanded back to the FAA.

...2

4. The Commission on perusal of the material on record finds that the FAA has not passed any Order. The FAA being a quasi judicial body should have applied his mind and decided the First Appeal under the RTI Act as he is duty bound to see that the justice is done. The Commission notes with concern that such a lapse on part of the FAA clearly tantamount to dereliction of duty and cannot be taken lightly more so as the FAA is a senior officer of the rank of Chief Officer, Mapusa Municipal Council.
5. The FAA is hereby called upon by this Commission to explain the reason for the failure to discharge his duties which he is legally bound as per the RTI act 2005. The FAA is directed to remain present personally before the Commission with his reply on 27th June 2019 at 11.30.a.m.
6. **DECISION:** As per the RTI act 2005, a Second Appeal u/s 19(3) of the RTI Act 2005 lies against the Order / Decision of the First Appellate Authority (FAA). As there is no Order passed by the FAA, the Commission without going into the merits of the appeal case remands the matter back to the First Appellate Authority (FAA).
7. The FAA is directed to issue fresh notices to both the parties within 15 days of the receipt of this order, latest by 04th June, 2019. The FAA shall after hearing the parties decide the First Appeal on merits by passing a speaking order. Needless to say that the said First appeal should be disposed off within 30 days from the date on which the parties attend on the date of the first hearing. It is open to the Appellant if he is still aggrieved by the order of the First Appellate Authority (FAA) to approach this commission either by way of a Second Appeal u/s 19(3) or a Complaint u/s 18 as the case may be.

With these directions the appeal case stands disposed.

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

