

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.09/SCIC/2013

Gajanan D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim – Goa.

..... Appellant

v/s

1. The Public Information Officer,
Mamlatdar Bardez,
Mapusa-Goa.
2. The First Appellate Authority,
Dy. Collector & SDO, Bardez
Mapusa, Goa.

.... Respondents

Relevant emerging dates:

Date of Hearing : 24-01-2019

Date of Decision : 24-01-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 09/09/2011 sought certain information under section 6(1) of RTI Act, 2005 from Respondent PIO, O/o Collector, North Goa, Panaji Goa.
2. The information sought is as follows: (1) Kindly provide me information of time prescribed to issue Ration Cards by the Mamlatdars and actually time taken by Mamlatdars to issue Ration Cards to the applicants when all desired records furnished. (2) Also kindly provide me information of the status of Ration Card applied to the Mamlatdar of Bardez, by application dated 28/06/2010 by Shri. Shivappa S. Walikar, resident of H.No.-9, B. P.Singh Road, Alto Porvorim, Bardez, for his family of 4 members, alongwith the Declaration Form, Residence Certificate, Surrender/Deletion Certificate of prior Ration Card issued by Tahasildar indi, Office of the Tahasildar Indi, Karnataka State, Bona fide Certificate issued by Govt. Primary School, Alto Betim, Bardez, and Birth Certificate of Daughter born in Asilo Hospital, Mapusa.

3. (3) Also Kindly provide me recommendations of Officials on said application received in the Office of Mamlatdar on the same date. (4) Inspection of all its records may also be provided.
4. It is seen that the PIO Additional Collector- I vide letter No.09/05/09-VIG/CO dated 15/09/2011 transferred the said RTI Application under 6(3) to the PIO, Mamlatdar of Bardez since information sought pertained to that Department. It is further seen that the Appellant on 26/09/2011 addressed a letter to Collector stating there is ambiguity in the transfer as information at point No.1. is related to Mamlatdar of Bardez, Mapusa. However the Addl. Collector-I, wrote back to the appellant vide his letter no 8/17/98-CONF dated 03/10/2011 to approach the Office of Mamlatdar of Bardez and collect at point no. 1 since the issue of Ration cards pertains to Mamlatdar of Bardez.
5. It is the case of the appellant that the PIO, Mamlatdar of Bardez neglected to provide information within 30 days and as such the appellant filed a First Appeal on 14/11/2011 and First appellate Authority (FAA) vide an Order dated 26/12/2011 disposed off the First appeal by stating that the appellant did not clarify if the information furnished was complete in all respect as per Roznama dated 29/11/2011.
6. Being aggrieved that the PIO neglected to furnish information as directed by the FAA, the Appellant file a Second Appeal registered with the commission on 11/01/2012 and has prayed to direct the PIO to furnish the information sought and for inspection, penalty, disciplinary action, compensation and other such reliefs.
7. **HEARING:** This old matter has come up for hearing on several previous occasions and thus taken up for final disposal. During the hearing, the appellant is absent. It is seen from the Roznama that the Appellant has remained absent since 23/03/2016 and it appears that the Appellant is not interested in pursuing the Appeal case. The present PIO, Shri Laxmikant Kuttakar, Mamlatdar Bardez, Mapusa is present in person. The FAA is absent. ...3

8. **SUBMISSIONS:** The present PIO, Shri Laxmikant Kuttakar submits that he has taken charge as Mamlatdar of Bardez on 20/07/2018 and this matter pertains to the year 2011. It is further submitted that as per records, the appellant was furnished information by the PIO, Asstt. Director Civil Supplies and Consumer Affairs, vide letter No.DCS/PIO/RTI/2011-12/65 dated 28/10/2011, wherein regarding information at point No.1 the appellant was informed that as per citizen charter issued by this Department prescribed time to the Mamlatdar to issue Ration card is 10 days.
9. Shri Laxmikant Kuttakar further submits that regarding information at point no 2, the appellant during the hearing of the first Appeal on 29/11/2011, was handed over a letter dated 28/10/2011 addressed by Office of Mamlatdar, Civil Supplies Wing, Mapusa-Goa addressed to the PIO, Mamlatdar of Bardez by enclosing the Talathi Report submitted by the Talathi of the S.D.M. with respect to Memorandum nos : CS/MAM/BAR/RTI/Inf-23/2011/368, 369 and 385 wherein it was stated that the information related Shri. Shivappa S. Walikar is not available in the Talathi Office.
10. Shri Laxmikant Kuttakar finally submitted that the FAA disposed the First appeal by holding that the Appellant did not clarify if the information furnished was complete in all respect as per Roznama dated 29/11/2011.
11. **FINDINGS:** The Commission on perusal of the material on record and after hearing the Respondent present PIO finds that after the RTI application was transferred under 6(3) by the Office of the PIO, Addl. Collector –I to the PIO, Mamlatdar of Bardez, the information regarding point no 1 was furnished by the PIO, Asstt. Director Civil Supplies and Consumer Affairs, vide letter No.DCS/PIO/RTI/2011-12/65 dated 28/10/2011, and the appellant was informed that as per citizen charter issued by this Department prescribed time to the Mamlatdar to issue Ration card is 10 days.

12. The Commission also finds that the information at point no 2 regarding status of ration card of Shri Shivappa. S. Walikar was furnished by enclosing the Talathi Report submitted by the Talathi of the S.D.M. with regard to Memorandum nos : CS/MAM/BAR/RTI/Inf-23/2011/368, 369 and 385 wherein it was stated that the information related Shri. Shivappa S. Walikar is not available in the Talathi Office.
13. The Commission finally observes that the FAA has clearly mentioned in his order dated 26/12/2011 that the appellant did not clarify if the information furnished was complete in all respect as per Roznama dated 29/11/2011 and therefore the Commission presumes that the appellant was satisfied with the information furnished. As stipulated in the RTI Act, the role of the PIO is to provide information as is available in the records and which the PIO has furnished. Thus the PIO cannot be faulted in anyway. The Appellant was afforded several opportunities to present his case before the Commission, however by remaining absent has failed to avail the opportunities.
14. **No intervention is required with the Order of the First Appellate Authority. In view that information as available has been furnished by the PIO, nothing survives on the appeal case which accordingly stands disposed.**

Consequently, the prayer of the appellant in terms of a), b), c), d), e) and f) are rejected.

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