

# **GOA STATE INFORMATION COMMISSION**

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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**Shri Prashant S. P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.27/2019/CIC**

Shri Jawaharlal T. Shetye  
H.No. 35, ward No 11,  
Khorlim Mapusa-Goa.

**....Appellant**

**V/s**

- 1) Public Information Officer,  
Mapusa Municipal Council  
Mapusa-Goa
- 2) First Appellate Authority,  
The Chief Officer (Mr Clen Madeira)  
Mapusa Municipal Council,  
Mapusa –Goa 403507.

**....Respondents**

**Filed On: 08/02/2019**

**Disposed date: 16/10/2019**

## **O R D E R**

- 1) The appellant herein by his application, dated 1<sup>st</sup> November 2018 has sought inspection of entire file pertaining to the subject with reference to the letter from the respondent authority dated 04/08/2019. The said letter was attached to the said application of the appellant dated 01/11/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act). The said application also reserved the right of the appellant to seek copies of the documents.
- 2) According to appellant the said application was not responded and hence he filed first appeal to respondent no.2. The First Appellate Authority (FAA) by order dated 16/01/2019 directed

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PIO to grant inspection to the appellant. According to appellant, said order of FAA, was not complied with and hence he filed the present appeal u/s 19(3) of the act.

- 3) On notifying parties, the PIO filed reply. According to PIO the delay in furnishing information was due to non furnishing of the information by deemed PIO and also thereafter in view of non service of the order of FAA.
- 4) On 26/06/2019 the PIO filed on record the copy of the notice for inspection records along with the acknowledgement of the appellant. Appellant has not disputed the said endorsement. It is thus held the information in the form of inspection is granted. Consequently the information as sought by appellant is deemed to have been furnished.
- 5) Subsequently on 24/07/2019 the PIO filed additional reply interalia submitting that the RTI application was not placed before him and hence he could not respond to the same.

Subsequently vide affidavit dated 30<sup>th</sup> July 2019, the PIO submitted that the application was inwards on 01/11/2018 under no. 16730 and that the concerned clerk Ms. Joana Fernandes attached to technical section failed to serve the same to him. PIO has filed a memo as also the register.

- 6) A notice was issued to said Ms. Joana Fernandes as deemed PIO. She filed reply on 13/09/2019. Vide aid reply she submitted that she received the application on 05/11/2019 and that she has not failed to serve the application on PIO. According to her she was just helping PIO and not an assistant PIO. She has also referred to backlog and burden of work and that the work of RTI was actually looked by Head

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Clerk. She has further lamented regarding the diversion of work and some internal patterns of work of the authority which is of no concern for the purpose of this proceedings.

Ms. Joana has also complemented certain officers and complained against others. I feel that such a plea is not expected from a junior employee on contract bases. Apparently the same is made at the behest of some other officer. What was expected from Ms. Joana was the statement of facts and events which had occurred subsequent to the filing of application by PIO and her role in monitoring the same. She is also not supposed to advice senior officers regarding their duties. Such averments appear to be insubordination.

- 7) On the bases of the pleading of the respondents it is seen that the PIO, the clerk as also other person have contributed for the delay. Being so, the principles underlying penalty imposition as is laid down in the case of *A. A. Parulekar V/s Goa State Information Commission (writ petition no.205/2007)* are not fulfilled.
- 8) In the background of the above facts I find that the information as sought is granted. Considering the contributory delay as held above I find no grounds to invoke the rights of this commission v/s 20(1) and/or 20(2) of the act.
- 9) Before parting, I find it appropriate that the respondent PIO shall issue/ get issued the necessary instructions/guidelines to the staff from whom assistance is sought by him/her for dealing with cases under the act and impart proper training for performing their functions. The respondent authority is also directed to strictly comply with section 4(1)(a) and 4(1)(b) of the act on urgent bases.

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With the above observations the appeal stands disposed accordingly. However this order shall not effect the right of appellant to seek copies of documents from the inspected file.

Proceedings closed.

Pronounced in open hearing.

Sd/-  
**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa