

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.35/2019/CIC

Shri Jawaharlal T. Shetye,
Hno.35/A, Ward No.11,
Khorlim Mapusa Goa
403507.

.....Appellant

V/s

- 1) Public Information Officer,
The Asst. Director of Education (AE)
Directorate of education,
Alto Porvorim Bardez-Goa
- 2) First Appellate Authority,
The Dy. Director of education
Directorate of Education,
Alto Porvorim, Bardez-Goa.

.....Respondents

Filed On: 18/02/2019

Disposed On: 26/07/2019

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 23/11/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the respondent No.1, PIO under several points therein.
- b) The said application was replied on 27/12/2018 calling upon appellant to collect the information on payment of fees, which was accordingly collected. However according to appellant the information as furnished was not satisfactory.
- c) According to appellant in the meantime as his application was not responded to by the PIO within time deeming the same as refusal appellant filed first appeal to the respondent No.2, being First Appellate Authority (FAA).
- d) The FAA fixed the date for hearing after 45 days and failed to pass order within time.

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- e) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.
- f) Notices were issued to the parties, pursuant to which the appeared. The PIO on 12/07/2019 filed his reply to the appeal. The FAA failed to file any reply inspite of notice. Arguments were heard. According to PIO the information was furnished within time i.e. on 2/12/2018 and that FAA has disposed the appeal.

2) FINDINGS

- a) On perusal of the records and upon considering the rival contentions it is seen that the information sought on 23/11/2018 was offered by PIO on 27/12/2018. Thus here is a delay of about 2 days in furnishing the information. Such a marginal delay by itself is not sufficient to invoke the rights u/s 20(1) and/or 20(2) of the act. I am supported by the ratio laid down by Hon'ble High Court of Bombay, Goa bench in *writ petition No.704 of 2012 (Public Auhtority and others v/s Shri Yeshwant Tolio Sawant)*.
- b) It is also the contention of appellant that the PIO is not satisfied with the information. The information to be furnished is the one which and as it exist. All information cannot be to the satisfaction of the seeker. Beside a bare statement, the appellant has not clarified to how the information furnished is not satisfied.
- c) It is the further contention of appellant that the FAA failed to dispose the appeal within time as stipulated under the act. On perusal of the records I find substance in the said contention of appellant. The first appeal filed by him on 24/12/2018 was taken up for hearing on 15/02/2019 which date falls after the period of 45 days which includes

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the period of 30 days as prescribed and also beyond the grace period of 15 days. Though the PIO submits that the first appeal was disposed there are no records filed by FAA to show the date on which it was disposed.

In any case even by considering the date of hearing the first appeal was not decided within time granted to FAA under the act. Such a lapse on the part amounts to dereliction of duties cast on him under the act and may be punishable under the service conditions as applicable to the FAA.

- d) Considering the circumstances I find no merits in the appeal. I also do not find any sufficient ground to invoke my right u/s 20(1) and 20(2) of the act.

However before parting with the matter I find it appropriate to remind the FAA that it is required to deal with the proceedings under the act with due sanctity. Such task is part of its duties as FAA and any lapse in performance of said duties is contrary to the service conditions governing him and hence to be dealt with seriously. However this being the first lapse, as is noted by this commission, a lenient approach is adopted. Needless to say that if any such lapse on the part of FAA hence forth shall be viewed seriously by issuing appropriate recommendation to the concerned authority, even to initiate disciplinary proceedings for derelictions of duties under the service conditions applicable to concerned officer.

With above observation appeal stands dismissed. Proceedings closed. Order be notified to parties.

Pronounced in open hearing.

Sd/-

(Prashant S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji -Goa