

**GOA STATE INFORMATION COMMISSION**  
Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.61/2019/CIC**

Shri Suhas N. Gaonkar,  
Public Information Officer/Associate Professor,  
Goa College of Architecture,  
Altinho, Panaji-Goa 403001. .... Appellant.

V/s

- 1) Ashish K. Rege,  
First Appellate Authority/Principal Goa College of  
Architecture,  
Goa College of Architecture,  
Altinho, Panaji –Goa 403 001.
- 2) Mr. Roy C. D’Souza,  
H. No.525,Mesta Bhat,  
Merces –Goa 403005. .... Respondents.

Dated:01/10/2019

**O R D E R**

1. Brief facts of this case is that Respondent No.2 herein sought information from the PIO vide his application dated 12/10/2018. The information was offered on payment of Rs. 10474/- which was accordingly paid. As the dispensation of information was delayed beyond 30 days the appellant claimed refund of the part amount by filing first appeal before First Appellate Authority (FAA) i.e. the respondent No.1 herein. Respondent No.1, by order dated 18/01/2019 FAA directed the appellant to refund excess amount to respondent No.2 and also directed appellant to pay penalty of Rs. 1000/-. Being aggrieved by the Order of Respondent No.1, the PIO approaches this Commission by this appeal.

Sd/-

...2/-

2. The present proceedings is an appeal filed by Public Information Officer (PIO). Adv. K. L. Bhagat filed memo of appearance on behalf of FAA. The appellant remained present.
3. The division bench of this Commission by order dated 15/04/2016 in *Appeal No.12/SCIC/ 2015(PIO V/s First Appellate Authority Dy. Director, North Educational Zone, Mapusa Bardez Goa*, has held that appeal filed by PIO is not maintainable.
4. In said order the Division bench has held that section (5) of The Right to Information Act makes it mandatory for every public authority to designate any officer as the PIO and section (19) further, provides that any person who does not receive any decision or is aggrieved by the decision of such Public Information officer shall file an appeal to such officer, *who is senior in rank to the PIO*. Thus the first appellate authority, in its official designation, is an officer senior to the PIO. Thus administratively challenging the orders of senior may amount to insubordination.

Under the act PIO is the forum with original jurisdiction and the FAA as an appellate body. Thus if information is denied by PIO, he shall be subjected to the orders of First Appellate Authority. Judicial hierarchy also does not provide for challenging the orders of a higher forum by lower one.

5. The present appeal before this Commission is filed by PIO against the decision of FAA. PIO is the information provider, and not the seeker of the information. Section 19 (3) of Act, deals with the appeals and the above

Sd/-

...3/-

provisions are made in the interest and for the benefit of information seeker. There is also no provision under the Act to consider such Appeals filed by PIO's against the order of FAA as the very purpose of this Act is to provide the information unless exempted u/s 8 or 9 of the act.

It is with above findings that the Division Bench of this Commission had held that no second appeal can lie at the behest of the PIO.

6. I find no grounds in the present appeal to differentiate the facts from said appeal No.12/SCIC/2015. To the knowledge of this commission said order dated 15/04/2016 in said appeal No. 12/SCIC/2015 is not set aside. I therefore find no grounds to differ in my findings.
7. In the above circumstances I hold that the present appeal, at the instance of the PIO, is not maintainable. The same is therefore dismissed.

Pronounced in the open hearing.

Sd/-

**(Prashant S. P. Tendolkar)**

State Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa