

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.302/2019/CIC**

Shri Dilip Naik,  
T1, Soltaire, Opp. PWD, Gawaliwada,  
Fatorda Goa,  
403602.

..... **Appellant.**

**V/s**

- 1) Dr. Geeta S. Nagvenkar,  
PIO, Dy. Director of Admn.,  
O/o Chief Eng. WRD, Sinchai bhavan,  
Alto Porvorim. 403521
- 2) The First Appellate Authority,  
Central Planning Organisation Supdt. Eng. (CPO)  
WRD, Sinchal Bhavan,  
Nr. Police Station, Porvorim. .... **Respondents.**

**Filed On: 09/10/2019**

**Disposed On: 09/12/2019**

## **1) FACTS:**

- a) The appellant herein by his application, dated 30/04/2019 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under four points therein.
- b) The said application was replied on 17/05/2019. However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2.
- c) The First Appellate Authority (FAA) by order, dated 24/07/2019, disposed the said appeal. However the FAA simply recorded the reply of PIO in respect of points 1 to 3 and in respect of point (4) directed appellant to approach Directorate of Accounts.

Sd/-

...2/-

- d) The appellant has thus landed before this commission in this second appeal u/s 19(3) of the act being aggrieved by order of First Appellate Authority.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 22/11/2019 filed her reply to the appeal. The appellant filed his counter submissions of the parties was heard.

**FINDINGS:**

- a) On perusal of the records it is seen that the appellant has sought information on (4) points. Information at points (1), (2) and (3) pertains to “representation dated 11/05/2018 under the subject seniority list.....” In reply to the said point initially the PIO has replied that the information is not available. However before the First Appellate Authority it is replied by the PIO that the information regarding the representation is “under process”.
- b) The word “under process” is vague in as much as it does not suggest whether any action is proposed by the respondent authority or forwarded to any other office for further action. Such a vague reply cannot be accepted as a response u/s 7(1). The reply should be specific so that the seeker can pursue his grievance properly.
- c) In the course of submissions before me, PIO submitted that the said representation is forwarded to the office of Personal Department and the same is pending there. I do not find such clear statement in any of the replies of PIO in answer to the appellant’s application.
- d) In respect of information at point (4) it is the contention of PIO in reply to the appeal that the application is transferred to Director of Accounts as the records of the gazetted

Sd/-

...3/-

officers are maintained by said office. I also find such a finding of the FAA. Before the FAA also the PIO has made a statement that the point (4) is transferred to the Director of Accounts. The appellant admits having received the reply from director of accounts that the concern information is not available in the said office. Said reply dated 08/08/2019 is also relied upon the appellant at page (50) of his appeal memo. On considering the said reply the PIO, Director of Accounts has stated that said information is not held by it and that the request is retransferred to the PIO herein u/s 6(3) of the Act. In spite of the above position the PIO herein contends that the same is not held by it.

- e) Considering the above situation I find it appropriate that the appellant should be given a clear reply to his application more particularly in respect of points (1) (2) and (3) therein. In respect of point (4) further specific evidence, that it is not held by it is also required to be furnished. In these circumstances I dispose the present appeal with the following:

**O R D E R**

The appeal is partly allowed. PIO is directed to furnished to the appellant the information pertaining to points (1), (2) and (3) with clarity as to before which authority/department the said representation dated 11/05/2018 is being processed and if the same is with any other Department /Authority, the PIO shall transfer the information at points (1), (2) and (3) of the appellants application dated 30/04/2019 to the concern Authority/Department u/s 6(3) of the act within 5 days from receipt of these order.

Sd/-

...4/-

In respect of information at point (4), the PIO is directed to file affidavit affirming that the “copy of schedule caste certificate enclosed by Rajan Kamble” is not held by the respondent Authority. Such affidavit to be filed before this Commission on 18/12/2019.

However considering the peculiar facts rest of the prayers are rejected.

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

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.302/2019/CIC**

Shri Dilip Naik,  
T1, Soltaire, Opp. PWD, Gawaliwada,  
Fatorda Goa,  
403602.

..... **Appellant.**

**V/s**

- 1) Dr. Geeta S. Nagvenkar,  
PIO, Dy. Director of Admn.,  
O/o Chief Eng. WRD, Sinchai bhavan,  
Alto Porvorim. 403521
- 2) The First Appellate Authority,  
Central Planning Organisation Supdt. Eng. (CPO)  
WRD, Sinchal Bhavan,  
Nr. Police Station, Porvorim. .... **Respondents.**

**Filed On: 09/10/2019**

**Disposed On: 31/12/2019**

The following order is passed in the course of the hearing of the above Appeal on 31/12/2019.

**“Taken up before CIC:**

**Appellant present in person. PIO Nayan Morascar present. PIO has filed an application on 24/12/2019 seeking extension of time for filing affidavit. However today PIO submitted that she is filing the affidavit as directed today and that she is not pressing for extension which she sought for by her application dated 24/12/2019. Her request is granted. Affidavit filed by PIO taken on record. Copy furnished to the appellant. The appellant submitted that he accept the contents of affidavit and his request on**

...2/-

points (1) to (3) being transferred u/s 3(3) nothing more can be survives as the concern certificate is not available, as per said affidavit, with the respondent authority.

The appellant submitted that in view of delay caused, he is insisting for penalty against PIO. It is seen that the application u/s 6(1) dated 30/04/2019 was decided by PIO on 17/05/2019 u/s 7(2) of the act. Considering this period I find that there is no delay in deciding the said application. There may be dispute as far as the grounds given therein. However subsequently the FAA has directed the PIO to transfer the request under points (1) to (3) to other public authority which is accordingly done by the PIO. In the above circumstances I find no grounds to invoke the right of this commission u/s 20(1) and/or 20(2) of the RTI Act 2005. However it is clarified this order shall not effect the right of the appellant to claim appropriate compensation if entitled under the law from appropriate forum. It is also clarified that in case information at point (4) of appellant's application dated 30/04/2019 is found or made available in the records of respondent public authority herein, the appellant shall have the right to seek the same by independent application u/s 6(1) of the RTI act 2005.

With the above orders proceeding stands closed. Copy of the said order to be sent to parties free of cost".

**Sd/-**  
**CIC**

**Sd/-**  
(Ulhas N. Kadam)  
Under Secretary cum Registrar  
Goa State Information Commission  
Panaji -Goa