

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

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

Appeal No.176/2018/CIC

Mr. Minguel Fernandes
H.No. 1524,
Vassvaddo, Benaulim,
Salcete – Goa. 403716

....Appellant

V/s

- 1) The Deputy Collector and Sub Division Officer,
South Goa District, Margao
Mathany Saldhana Administrative Complex
Margao-Goa.
- 2) The Collector
First Appellate Authority,
South Goa District, Margao,
Mathany Saldhana Administrative Complex
Margao-Goa.

.....Respondents

Filed On: 16/07/2018

Disposed On: 29/01/2019

O R D E R

- 1) The appellant here in by his application dated 15/01/2018 sought information namely the inspection of the file no SDO/SAL/CONV/151/90-91 as also the certified copies of the same. As no information was furnished, the appellant filed the first a ppeal to the First Appellate Authority (FAA).

The First Appellate Authority disposed the said appeal by order dated 29/08/2018 by directing the PIO to search the file and submit the information free of cost within 10 days. This order of FAA was based on the submission made on behalf of PIO that the details of the file were not given by the appellant. However the FAA had held therein that the appellant has given clearly the file number to the respondent to trace the file.

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However despite of the said order nothing has given hence the appellant has landed before this commission with the present second appeal.

- 2) On notifying the parties the PIO appeared and filed the reply. Vide said reply dated 26/10/2018 he has submitted that the inventory list of old disposed files were prepared which were available in the respective record room. The said inventory was prepared as per the villages allotted to S.D.O-I and S.D.O-II. He has further stated that several efforts were made by the dealing clerk to trace the file in question but the same could not be traced in respect of S.D.O-I and S.D.O-II. According to the PIO as the information was about 27 years old the same was not furnished due to non traceability of the file.
- 3) In view of the said reply an affidavit was directed to be filed in support of the contention of non availability which was accordingly filed by the PIO. As the said affidavit also contained the reference to the inventory prepared, the PIO was directed to file the copy of the said inventory of the disposed files. Accordingly on 21/12/2018, PIO filed copy of the said inventory.
- 4) Opportunity was given to the appellant to file its say on the affidavit as also on the said inventory filed by the PIO. In spite of opportunity the PIO failed to file any say either on said affidavit or on the said inventory. It was made clear on the last date of hearing that in case of failure on the part of PIO to file any say thereon it shall be held that the appellant have no say to offer.
- 5) Today again the appellant has remained absent. On going through the records it is seen that all throughout hearing of this appeal the appellant has remained absent though he was served with the notice of this commission on 31/08/2018. In view of his continuous absence, I feel that the appellant is not

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interested in the appeal and also that he is also not disputing the contents of the affidavit and the inventory as filed herein. In these circumstances I have no reason to disbelieve or discard either the said affidavit or said inventory. Hence the information as is sought by the appellant is not available in the records of the respondent authority I am unable to issue any directions to that effects. In the circumstances the request of the appellant in terms of prayer (a) appeal memo of the appellant cannot be granted and hence the same is rejected.

- 6) With reference to the rest of the prayers I find that the application for information was filed by the appellant on 15/01/2018. U/s 7(1) of the RTI Act, the same was required to be replied within 30 days which falls on or before 17/02/2018. In the present case I find no such reply filed by the PIO to the appellant's application u/s 6(1). Hence prima facie it appears that the PIO has committed an offence u/s 20(1) of the act. However as such punishment leviable to the PIO concern, a notice is required to be issued to concern PIO. The name of the concern PIO is not available from the records. In these circumstance the appellant is directed to file a memo before this commission giving the name and present address of the concerned PIO, within period of 15 days from the date of receipt of this order by him. On receipt of such memo, notice be issued to the said PIO u/ s 20(1) of the RTI Act 2005.

Appeal disposed accordingly.

Proceeding closed. Notify the parties.

Sd/-

(Shri. P. S.P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji -Goa