

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal no 74/SCIC/2016**

Shri Nevil B. Furtado,  
H.No. 51, Copelwaddo,  
Sernabatim, Salcete-Goa 403 708

....Appellant

V/s

- 1) The Public Information Officer,  
The Dy. Collector & SDO,  
Margao Goa
- 2) The First Appellate Authority,  
The Additional Collector I  
South Goa District,  
Margao Goa

.....Respondents

**Filed On: 03/05/2016**  
**Disposed On: 23/01/2019**

## **1) FACTS**

- a) The appellant herein by his application, dated 25/03/2013 filed u/s 6(1) of The right to Information Act 2005 (Act) sought certain information from the respondent no.1, PIO under several points therein pertaining to case no. LRC/illeg-conv/40/2000.
- b) The said application was replied on 19/04/2013, requesting appellant to approach office of Dy. Collector and collect the required documents on payment of fees. According to appellant When he approached said office he was informed that the information as sought was not ready and that they are in process of searching and thus the info was not furnished.
- c) According to appellant on 24/05/2013, he received letter from PIO that earlier letter dated 19/04/2013 was issued by oversight and that the documents are not yet traced.
- d) According to appellant in the course of inquiry with concerned clerk, it was found that the said application dated 25/03/2013 was tempered with by changing case no. LRC/Illeg-conv/40/2000 to "LRC/Illeg-conv/49/2000" by using pen and changing '0' into '9'.

Sd/-

...2/-

- e) According to appellant on 20/06/2013 he applied for certified copy of his application dated 25/03/2013 to which he was replied on 26/06/2013 that the copy of his RTI application can be collected on payment of fees. Appellant was also informed that the file pertaining to RTI application is not traceable. It is also the contention of appellant that on receipt of the copy of his application, dated 25/03/2013 it was noticed that his application was tempered with. The appellant therefore filed first appeal. On the ground that he has not been provided with the information sought by him vide application dated 25/03/2013.
- f) The First Appellate Authority (FAA) by order, dated 16/01/2014, allowed the said appeal and directed PIO to furnish the information within 15 days from the date of receipt of order.
- g) In response to the said order of First Appellate Authority, the PIO sent a letter dated 30/01/2014 to appellant informing that a complaint about missing file No.LRC/Illeg-Conv/40/2000 is filed before Margao Town Police Station. Similar letter was also sent to appellant on 13/02/2014, alongwith a copy of complaint filed to Police.
- h) As the appellant has not received the information appellant has filed the present appeal u/s 19(3) of the act.
- i) On issuing notice to the parties the PIO filed his reply on 30/11/2016 vide his said reply by admitting the fact that the concerned information was not traced, it is stated that the matter pertaining to missing file is under inquiry and appropriate FIR is filed. Regarding tempering of the records, it is submitted by PIO that it is a matter of inquiry. The PIO has not disputed the facts as stated by the appellant.

**2) FINDINGS:**

- a) Perused the records and considered the submission of the parties. It is not in dispute that the records as are sought are not traceable. It is also an undisputed fact that pertaining to such misplacement, a complaint is filed to police and the same is under investigation.

Sd/-

...3/-

- b) In the above circumstances, considering the non availability of the information as of now, any orders if passed giving direction would be infructuous and redundant till the records are traced.
- c) Considering the above circumstances and considering the fact that the lapse on the part of public authority i.e. Dy. Collector & SDO Margao, Goa is prejudicial to the spirit and intent of the act, I find it appropriate that directions are issued to the said authority to take steps to recover the missing records and to fix the liability on the person responsible for such loss.

In the above circumstances I dispose the above appeal with the following:

**O R D E R**

The Dy. Collector and SDO Margao, Salcette is hereby directed to conduct inquiry into the missing file No.LRC/Illeg-Conv/40/2000, and fix the responsibility on the person responsible. Such inquiry be conducted within two months from the date of receipt of this order. Copy of report of such inquiry be sent to the appellant herein.

The right of the appellant to have the said information, free of cost after the records are traced, are kept open.

Notify the parties.

Proceeding closed.

Pronounced in open hearing.

Sd/-

**(Shri. P. S.P. Tendolkar)**

Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa