

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No: 10/2018/SIC-II**

Mr. Suresh M. Salgaonkar,  
H. No. 359, Vagali,  
Camurlim,  
Bardez, Goa – 403517

**...Complainant**

**v/s**

1. Public information Officer,  
Asst. Public information Officer,  
O/o River Navigation Department,  
Betim, Panaji-Goa. 403 101.

2. The First Appellate Authority,  
The Captain of Ports, H.O.D.  
O/o Captain of Ports,  
Panaji, Goa – 403 001.

**...Respondent/Opponent**

**Relevant emerging dates:**

**Date of Hearing : 05-03-2019**

**Date of Decision: 05-03-2019**

**ORDER**

1. **Brief facts of the case** are that the Complainant Mr. Suresh M. Salgaonkar vide an RTI application dated 17/10/2017 addressed to the PIO, O/o River Navigation Department, Betim, Panjim-Goa, sought certain information under section 6(1) of RTI Act, 2005.
2. The information pertains to Copy of Attendance Register/Attendance Roll along with the instructions for maintenance of Attendance Register i.e front page (in yellow colour) wherein the names of Shri.Devanand V.Shirodkar, Shri Suresh Salgaonkar and Shri. Placido Castanha figures for the months of April 2017 till date i.e October 2017.
3. It is the case of the Complainant that the Respondent No. 1 PIO did not make any efforts to provide information as sought in the RTI application dated 17/10/2017 and due to denial of information, the Complainant therefore filed a First Appeal on 11/12/2017 and that the First Appellate Authority after issuing notices fixed the date of hearing on 10/01/2018.

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4. It is further the case of the Complainant that the PIO vide reply letter No.RND/Admn/I/316/2294 dated 31/01/2018 during the hearing of the First appeal has furnished some information which is wrong information and not the subject matter of the RTI application dated 17/10/2017. Being aggrieved that no order has been passed by the First Appellate Authority (FAA for short) till date i.e till 19/02/2018, the Complainant has subsequently approached the Commission by way of Complaint case registered on 19/02/2018 and has prayed that the Respondent PIO be directed to furnish correct information and for penalty and other such reliefs.
5. **HEARING:** This matter has come up for hearing on eight previous occasions and thus taken up for final disposal. During the hearing the Complainant Mr. Suresh M. Salgaonkar is present in person alongwith his representative Mr. Eusebio Braganza. The PIO is absent.
6. **SUBMISSION:** Mr. Eusebio Braganza submits that the PIO has not furnished any information and on the contrary filed an incorrect Affidavit cum declaration dated 22/11/2018 stating that the said information is not available as it is missing.
7. It is further submitted that the Attendance register wherein the names of Shri Devanand V. Shirodkar, Shri. Suresh Salgaonkar and Shri. Placido Castanha as machinist are figuring was manipulated and altered for reasons best known and that a formal Complaint under Ref.No.GGEA/132/2017/123 dated 12/10/2017 was lodged by the General Secretary of Goa Government Employees' Associations to the Captain of Ports and H.O.D of River Navigation Department, Panjim for initiating appropriate action. It is also submitted that the FAA has not passed any order on the First Appeal.
8. **FINDINGS:** The Commission has perused the material on record and after hearing the submission of the parties finds that although the First Appellate Authority had issued a notice... ...3

....dated 08/01/2018 and fixed the hearing of the First Appeal on 10/01/2018, there is no Order passed by the First Appellate Authority on record of the file.

9. The Commission also finds that the PIO has filed an Affidavit cum Declaration clearly mentioning that the missing Registers were never found and that the Traffic Section has opened new Attendance Registers and this fact can be considered by the First Appellate Authority during the by hearing of the parties.
10. **DECISION:** The Commission accordingly remands the matter back to the First appellate Authority (FAA) for hearing the proceedings afresh. The FAA is directed to issue fresh notices to the parties i.e. both the Respondent PIO and the RTI applicant Mr. Suresh M. Salgaonkar within 30 days of the receipt of this order i.e. latest by 30<sup>th</sup> April 2019.
11. The FAA shall after hearing the parties decide the First Appeal purely on merits as per the material on record by passing an appropriate speaking order. It is needless to say that the said First appeal should be disposed off within 30 days from the date on which the parties attend on the date of the first hearing. In exceptional cases, the FAA may take 45 days, however where disposal of appeal takes more than 30 days, the FAA should record in writing the reasons for such delay.
12. It is open to the Complainant, if he is still aggrieved by the order of the FAA to approach this commission either by way of a Second Appeal u/s 19(3) or a Complaint u/s 18 as the case may be.

**With these directions the Complaint case stands disposed.**

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-**  
**(Juino De Souza)**  
**State Information Commissioner**