

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

CORAM: Shri Juino De Souza : State Information Commissioner

Complaint No. 34/2019/SIC-II

Shri. Shankar B. Gaonkar,
R/o RH-1, Indona,
Davorlim, Salcete – Goa.

.... Complainant

v/s

Public Information Officer,
Shri. Diwakar Salelkar,
Village Panchayat Secretary,
Village Panchayat Kirlapal-Dabal/
Vagon, Kirlapal, Dabal,
Dharbandora Goa.

....Opponent

Relevant emerging dates:

Date of Hearing : 05-12-2019

Date of Decision : 05-12-2019

O R D E R

1. Brief facts of the case are that the Complainant vide an RTI application dated 02/03/2019 sought certain information from the Respondent PIO, Village Panchayat, Secretary Kirlapal Dabal, Dharbandora Goa.
2. The Complainant is *inter alia* seeking certified copy of muster roll maintained by the said Village Panchayat of Kirlapal- Dabal of labourers engaged in cleaning gutters, nallas, roads, wells, repair of bridges etc for the year from 2015 to 2019 and copy of No objection Certificates (NOC) issued to set up mobile towers from the year 2015 to 2019 and for certified copy of budget income & expenditure statement for years 2018-19 and 2019 -2020.
3. It is seen that the PIO vide letter No.VP/KD/DHR/2018-19/1877 dated 22/03/2019 informed the Complainant that the information is ready and to pay an amount of Rs.13,502/- and collect the said information. However the PIO put up a condition that the said information will be provided only after amount of Rs.13,502/- is paid.

4. Not satisfied with the reply of the PIO, the Complainant thereafter has filed a direct Complaint case before the Commission registered on 29/04/2019 and has prayed to direct the PIO to furnish the information free of cost and for penalty and other such reliefs.
5. **HEARING:** This matter has come up for hearing before the Commission on four previous occasions and is thus taken up for final disposal. During the hearing the Complainant Shri. Shankar B. Gaonkar is present in person. The Respondent PIO is absent.
6. **SUBMISSION:** The Complainant submits that although he filed the RTI application on 02/03/2019, the PIO has given an inappropriate reply dated 22/03/2019 calling upon him to unnecessarily make payment of Rs.13,502/- for an RTI application which was filed by his father and which has nothing to do with the present RTI application dated 02/03/2019. It is further submitted that he had filed another RTI application dated 27/12/2018 and even made an advance payment of Rs.208/- and even in that case the PIO did not furnish the information and put the same condition calling upon him to make an earlier payment for an RTI application which was filed by his father.
7. It is also submitted that the PIO has filed a reply No. VP/KD/DHR/2019-20/462 dated 15/07/2019 wherein he has tendered an unconditionally apology for delay caused in providing information and has agreed to give information to the Complainant / RTI applicant who has been asked to pay Rs.636/- towards the same.
8. The Complainant state that he accepts the apology of the PIO, and requests that direction be issued to the PIO to furnish the information free of cost in view of the delay caused and also to direct the PIO to furnish information with respect to the RTI application dated 27/12/2018 as the amount of Rs.208/- has been paid but the information is yet to be furnished.

9. **FINDINGS:** The Commission has heard the Complainant and perused the material on record and at the outset finds that the Complainant has filed a direct Complaint case with the Commission u/s 18 without exhausting the remedy of First Appeal as per 19(1). If the Complainant was aggrieved with the reply of the PIO, he should have approached the First Appellate Authority who is the next senior higher officer to the PIO and pursued his grievance at that stage instead of filing a direct Complaint case and which itself is not maintainable. (*Read Supreme Court Judgment in CIC & Anr vs State Of Manipur & Anr.*)
10. **DECISION:** However, as the Complainant has accepted the apology tendered by the PIO and required the information, the Commission accordingly directs the PIO to furnish the information with respect to the RTI application dated 02/03/2019 as available in the records free of cost by waiving the amount of Rs.636/- in view of delay caused.
11. The Commission also directs the PIO, to furnish information pertaining to RTI application dated 27/12/2018 which was transferred by the BDO to the PIO, V.P Secretary Kirlapal Dabal and for which the Complainant has paid Rs.208/- as was informed to him by the Respondent PIO vide letter no. VP/KD/DHR/2018-19/1384 dated 28/01/2019. The said information regarding RTI applications dt 02/03/2019 & 27/12/2018 to be furnished within 15 days of receipt of this Order by Registered Post / Speed Post or Hand delivery.

With these directions the Complaint case stands disposed.

Consequently, the reliefs for penalty, disciplinary action are rejected.

All proceedings in Complaint case stands closed. 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

