

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Complaint No.60/CIC/2018

Shri Bhagatsingh Tarukar,
H. No.64/1,
Halarnwada Ecoxi,
Bardez-Goa 403101

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Complainant

V/s

- 1) The Public Information Officer,
Asst. Director,
Directorate of Social Welfare,
Panaji –Goa.
- 2) The First Appellate Authority,
Director of Social Welfare,
Directorate of Social Welfare,
Panaji –Goa.

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Respondents

Date: 12/02/2019

O R D E R

- 1) The complainant herein filed an application u/s 6(1) of the Right to Information Act 2005 (Act). According to complainant the information was not furnished and hence he preferred first appeal to First Appellate Authority (FAA). The pleadings in the complaint are silent as to whether the FAA has passed any orders or not. The complainant has landed before this commission with this complaint.
- 2) Notice was issued to PIO to show cause as to why action as contemplated u/s 20(1) and/or 20(2) should not be initiated against him. Pursuant to said notice PIO filed reply on 09/01/2019. FAA also filed its reply on 11/12/2018.

...2/-

Sd/-

3) The PIO in his reply has contended that the application, dated 09/08/2018 was not placed before him till 30/11/2018 and immediately on receipt thereof the PIO furnished the information to complainant. According to PIO the application was received by one Smt. Vidhya Parulekar and was not presented to him for disposal till 30/11/2018. As the complainant remained absent after the first date of hearing the submissions of the PIO were heard.

The PIO has further submitted that the information sought is the certified copy of the order in appeal No.RTI/19/2018-19/DSW/2319. It is further according to PIO that the in the said proceedings the complainant was a party and he was served with the copy of the order in said appeal. According to him no separate order was passed in said appeal and the order was contained in the proceedings. The PIO has pointed out the signature of the complainant on the copy of the order passed by the FAA. PIO has further submitted that the information as was required was already existing with the complainant.

4) On perusal of the records it is seen that the application, dated 09/08/2018 was not responded within time, which under the act would fall due on 10/09/2019. The complainant filed first appeal on 11/09/2018, which is just immediately after the due date. The complainant is silent as to when the said appeal was heard or whether the PIO was served therein and if yes, on which date. From the document accompanying the reply of PIO it is seen that the reply with information was furnished on 30/11/2018. It is also seen that in fact the said information was actually existing with the complainant.

...3/-

Sd/-

5) Coming to the delay caused in responding the application u/s 6(1) the grounds as pointed out by PIO is that the application was not brought to his notice within time. According to him the same was brought to his notice only on 30/11/2018 and during same period it was lying with the Jr. Steno in process. In these circumstances the delay cannot be held to be deliberate or intentional vis a vis the PIO.

However such a pattern of dealing with applications under the act should be undone with. The staff should be sensitised regarding the priority and urgency in dealing with the RTI matter. I therefore find it necessary that appropriate instructions are issued for dealing with the applications.

6) In the above circumstances I find no intention or deliberate delay on the part of PIO. But considering the circumstances I find that the PIO/Head of office shall issue instructions to the staff to refer/place all applications for information received under the act before PIO immediately and in case of delay in complying with such instructions appropriate disciplinary proceedings under the service conditions of the concerned staff should be initiated.

7)The complaint is therefore disposed in the light of my directions as above. The show cause notice, dated 15/11/2018 stands withdrawn. Proceedings closed.

Pronounced in the open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji -Goa