

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Complaint No. 51/2018/CIC

Mr. Samir Sardana,
D-113, Sector 4,
Defence Colony,
Dehradun,
Uttarakhand-248001.

....Complainant.

V/s

The State Public Information Officer,
Cyber Crime Police Station (CCPS),
Goa Police,
Raibandar-Goa.
403202.

....Respondent.

Date: 16/01/2019

O R D E R

1) In this complaint, the complainant has raised a grievance against the PIO, for not providing the information as sought. It is the contention of the complainant that by his application, dated 11/07/2018 he sought information from the respondent PIO. The same was replied by PIO vide reply dated 07/08/2018, inter alia informing complainant that the information sought by him is not clear due to handwriting, which cannot be understood and requesting complainant to seek information in legible form. He was further advised by PIO to file appeal with First Appellate Authority (FAA) if he is not satisfied with said reply.

The complainant apparently being aggrieved by said response of PIO has approached this commission with this complaint u/s 18 of the Right to Information Act 2005 (Act for short).

2) The parties were notified. The PIO appeared and filed his reply on 23/10/2018. The complainant failed to appear. The matter was adjourned to 14/11/2018 for arguments. On said date also complainant failed to appear. The arguments of PIO were heard.

Sd/-

...2/-

- 3) In addition to several other contentions it is the contention of PIO that the present complaint is filed without filing first appeal u/s 19(1) of the act. According to PIO if the complainant was aggrieved by the reply of PIO then he ought to have filed the first appeal and then only he can file the present complaint. It is therefore according to him that this complaint is not maintainable.
- 4) On perusal of the records it is seen that the above complaint is filed without filing the first appeal to the FAA, u/s 19(1) of the Act. The complainant though has contended in his complainant that he has no faith in First Appellate Authority, the fact admitted is that there is no first appeal filed by complainant.
- 5) The full bench of this commission in a bunch of similar complaints, by its order dated 27/05/2016 has held that the complaint without being preceded by first appeal u/s 19(1) is not maintainable. The said order was based on the judgment of Hon'ble Supreme Court dated 12/12/2011 in Civil Appeals Nos. 10787-10788 of 2011 (Chief Information Commissioner and another v/s State of Manipur).

The present proceedings, which is filed as a complaint u/s 18 of the RTI Act 2005, being similar in nature is also not maintainable. The above proceedings is therefore dismissed as not maintainable.

Liberty is granted to complainant herein to file fresh complaint before this Commission, if he wish so, after disposal of the first appeal, if filed by him. Proceedings closed.

Notify parties.

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