

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal Nos: 204,205 & 206/SIC/2016

Jawaharlal T. Shetye,
H. No. 35/A, Ward No. 11
Khorlim, Mapusa – Goa.
403 507

... **Appellant**

v/s

1. The Public Information Officer,

The Head Clerk (Uday Salkar),
Mapusa Municipal Council,
Mapusa- Goa.

2. The First Appellate Authority,

The Chief Officer, (Mr. Clen Madeira)
Mapusa Municipal Council,
Mapusa- Goa.

.....**Respondents**

Relevant emerging dates :

Date of Hearing : 19-03-2019

Date of Decision : 19-03-2019

O R D E R

S/ N	Appeal Nos.	Date of filing RTI Application	Date of reply of PIO	Date of filing First Appeal	Date of Order of FAA	Date of filing Second Appeal
1)	Appeal No. 204/SIC/2016	21/14/2016	09/05/2016 21/03/2017	05/08/2016	30/08/2016	29/09/2016
2)	Appeal No. 205/SIC/2016	20/16/2016	20/07/2016 19/01/2017	22/07/2016	30/08/2016	29/06/2016
3)	Appeal No. 206/SIC/2016	13/16/2016	14/07/2016	18/07/2016	30/08/2016	29/06/2016

1. The above three appeals pertain to one and the same parties and are having similar subject matter as such they are combined together and disposed by one common order.

2. **Brief facts of the Case** are that the Appellant Jawaharlal T. Shetye has filed three separate Second Appeals before the Commission. All important dates including the dates of filing various RTI applications, dates of the reply given by the PIO, dates of filing First Appeals and finally the dates on which the Appellant has preferred Second Appeals before the Commission are listed in the tabulation. It is seen that in all the above three second appeal cases the PIO has given replies within the mandated time period as per section 7(1) and the First Appellate authority (FAA) has also passed three separate Orders.
3. The main grievance of the Appellant is against the PIO, Head Clerk, Shri Uday Salkar for failing to provide the information within stipulated period and the appellant has prayed that since the said PIO has denied the information, he should be punished in terms of RTI Act and the information sought should be provided without further delay.
4. **HEARING:** This matter has come up for hearing on several previous occasions and hence taken up for final disposal. During the hearing held on 19/03/2019, the Appellant is absent. The Respondent APIO, Shri. Vinay Agarwadekar, UDC is present.
5. **SUBMISSIONS:** The APIO submits that all the three Second Appeal Cases are against the earlier PIO, Shri. Uday Salkar, who has since retired from the service on 28/02/2017. It is further submitted that the former PIO has furnished timely reply and information in tabulation form in all three appeal cases and further has also complied with direction of First Appellate Authority (FAA) by providing additional information. The APIO requests the commission to dispose the three appeal cases as the former PIO has already furnished information and there being no other information available. The APIO also submits that the PIO has filed written submissions in all the three cases dated 11/07/2018 confirming the facts along with enclosures which are on record of the Commission.

6. **FINDINGS**: The Commission after perusing the material on record and hearing the APIO indeed finds that the PIO has furnished information in tabulation form in all the three cases and further has also complied with the directions of the FAA by furnishing additional information. The Commission also finds that the written submissions filed by the PIO along with all the relevant enclosures confirm the facts that information has been provided. The Commission also finds that PIO retired from service on 28/02/2017 and thus no action can be taken against him at this stage. The prayer of the appellant therefore for taking action against Shri Uday Salkar is rendered infructuous.
7. **DECISION**: As stipulated in the RTI Act the role of the PIO is to furnish information as is available, how is available, what is available and if available. The PIO is not called upon to create the information or to do research. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The Commission accordingly comes to the conclusion that whatever information was available has been furnished by the PIO and which is the mandate of the RTI act 2005

As the information has been furnished by the PIO and further as the PIO has also retired from service on 28/02/2017, Nothing survives in all the three appeal cases which accordingly stand disposed.

With these observations all proceedings in the above three Second Appeal cases stand 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