

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

Appeal No. 164/2019/SIC-I

Shri Yogesh R.
Seagull Apartment /Gr.floor,
Gen.B.G.Road (Near market),
Panaji-Goa.

....Appellant

V/s

1)The Public Information Officer,
Shri Digambar V. Karapurkar,
Directorate of Health Services,
Campal, Panaji-Goa.

2. The First Appellate Authority,
Dr. Sanjeev G.Dalvi,
Directorate of Health Services,
Campal, Panaji-Goa.

.....Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner

Filed on:06/06/2019
Decided on:15/07/2019

ORDER

1. The second appeal came to be filed by the appellant Shri Yogesh R. on 5/5/2019 against the Respondent No.1 Public Information Officer of the Directorate of Health Services, Campal, panajim Goa and against Respondent no. 2 First appellate authority under sub section (3) of section 19 of RTI Act 2005.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 15/11/2018 which was delivered to the office of Respondent no. 2 on 20/11/2018 had sought for the information on 5 points as listed therein.
3. The said information was sought by the appellant in exercise of his right u/s 6(1) of RTI Act, 2005.
4. It is the contention of the appellant that his above application filed in terms of sub section (1) of section 6 was responded by the

respondent no 1 PIO on 6/12/2018 wherein he was directed to collect the information by paying Rs. 26/- for 13 pages towards the said information.

5. It is the contention of the appellant that in pursuant to the letter of Respondent No. 1 PIO, he deposited amount of Rs. 26/- on 18/12/2018 and in support of his contention he relied upon the Xerox copy of the receipt issued by the cashier of Directorate of Health Services .
6. It is the contention of the appellant that the Respondent No. 1 PIO provided him the information, however according to him the said was incomplete as according to him only the information at point no. 2 was provided and rest were not furnished to him.
7. It is the contention of the appellant that as complete information was not furnished,he preferred first appeal before the Respondent no. 2 First appellate authority in terms of section 19(1) of RTI Act, 2005.
8. It is the contention of the appellant that the Respondent no. 2 FAA vide order dated 21/2/2019 allowed his appeal and directed the Respondent No. 1 PIO to provide the appellant point wise reply to all his question of RTI in detail within a period of 15 days from the date of receipt of judgment free of cost.
9. It is the contention of the appellant that in compliance of the order of the Respondent no. 2 First appellate authority, the PIO vide his letter dated 4/3/2019 forwarded him information which was submitted to him by the Joint Director of Account (H), Directorate of Health Services vide letter dated 28/2/2019 .
10. It is the contention of the appellant that the incomplete information was received by him and all the correspondence received from the Respondent No.1 Public information officer were received without official seal.

11. It is the contention of the appellant that he being aggrieved by such a conduct of respondent No. 1 PIO and the reasoning given by Respondent no. 2 First appellate authority in the order, is forced to approach this commission by way of present second appeal as contemplated u/s 19 (3) of RTI Act, 2005.
12. The matter was taken up on board and was listed for hearing . In pursuant to the notices issued by this commission to both the parties ,the Appellant appeared in person. Respondent PIO Shri Digamber Karapurkar was present .Respondent No.2 was represented by Joyces Fernandes.
13. It was seen from the records produced by the appellant herein that the information furnished to the appellant even after the order of FAA was not duly certified by the PIO and that the PIO has merely forwarded the information which was received by him vide note No.28/2/2019 from the Joint Director of Account (H) .
14. The Hon'ble High Court of Kerala at Ernakulam in writ petition (c) No. 31947 of 2013 (P), John Nuoli (Juniors) V/s Public Information officer , Office of Town and country Planning officer Cochin corporation , Ernakulam while dealing with the issue of furnishing of non attested or non certified copies to the appellant by PIO under the RTI Act, the Hon'ble High Court of Kerala has directed the PIO to issue fresh set of documents sought by the information seeker and to certify the copies as copies issued under the RTI Act,2005.
15. Considering the ratio laid down by the Hon'ble High Court of Kerala in case of John Nuoli (Supra), I hold that the appellant is entitle to receive the information duly certified by PIO .
16. Nevertheless the respondent PIO during the hearing on 4/7/2019 volunteered and undertook to furnish him the certified copies of the information once again and accordingly the affidavit in reply was filed by respondent No. 1 PIO on 9/7/2019 thereby enclosing

and furnishing information under the RTI Act. The copy of the reply and the information duly certified by Respondent No. 1 PIO could not be furnished to the appellant on account of his absence. The appellant was directed to collect it from the office of this Commission but since appellant did not collect it the same were returned back to the Respondent PIO for onward submission to the appellant. The Respondent No. 1 PIO is hereby directed to sent the complete and correct information to the appellant by Registered A.D. within 10 days from the receipt of the order

17. The PIO also must introspect that the non furnishing of the correct and complete information lands the citizen before the first appellate authority and also before this commission resulting into unnecessary harassment of the Common man which is socially abhorring and legally impermissible. Hence the Respondent No. 1 PIO is hereby directed to be vigilant henceforth while dealing with the RTI matters and to deal the same in accordance with Law. Any lapses found in future shall be viewed seriously.

With above direction proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa