

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

Appeal No. 20/2019/SIC-I

Shri. Jawaharlal T. Shetye,
H.No.35/A,W. No-11,
Khorlim, Mapusa Goa.
Pincode-403 507.

....Appellant

V/s

- 1) The Public Information Officer,
Mapusa Municipal Council,
Mapusa Goa.
- 2) First Appellate Authority,
The Chief Officer (Mr. Clen Madeira),
Mapusa Municipal Council,
Mapusa-Goa.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on:06/02/2019

Decided on:22/3/2019

ORDER

1. The second appeal came to be filed by the appellant Shri Jawaharlal T. Shetye on 06/02/2019 against the Respondent No.1 Public Information Officer of Mapusa Municipal Council, Mapusa, Bardez-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 3/09/2018 had sought for the information on 5 points as listed therein pertaining to representation dated 19/07/2018 made by him to the Chief Officer of Mapusa Municipal Council with a caption "*Attestation done by Mr. Shivram Vaze (ATO) dated 2/5/2017 on the documents submitted by one person Smt. Vilasini Vilas Mahale*". The said information was sought by the appellant in exercise of his right u/s 6(1) of RTI Act, 2005. The appellant also enclosed the

photocopy of his representation dated 19/7/2018 to his RTI application .

3. It is the contention of the appellant that his above application filed in terms of sub section 1 of section 6 was not responded by the respondent no 1 PIO within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal to Respondent no 2 chief officer of Mapusa Municipal council on 10/10/2018 being first appellate authority .
4. It is the contention of the appellant that the respondent no. 2 FAA vide order dated 21/11/2018 allowed his appeal and directed the respondent no 1 PIO to furnish the information as sought by the appellant vide application dated 3/09/2018 free of cost within 15 days and has also directed the PIO to be prompt in disposing RTI application henceforth.
5. It is the contention of the appellant that in spite of the said order, the said information was not furnished and hence he had to approach this commission in his 2nd appeal on 6/2/2019 seeking relief of directions to PIO to furnish the information as also seeking penalty and compensation for not giving information within time.
6. Notices were issued to both the parties. Appellant appeared in person. Respondent PIO Mr. Venkatesh Sawant appeared along with Advocate M. D'Souza. Respondent no.2 First appellate authority opted to remain absent.
7. The Respondent PIO Shri Venkatesh Sawant endorsed his say on the reverse of memo of appeal submitting that due to many appeals, applications filed, the information could not be given and undertook to provide the same to the appellant at the earliest.
8. It is the contention of the appellant that the PIO of the Mapusa Municipal Council is not serious in complying the provisions of

RTI Act. He further submitted that the PIO does not respond under section 7 of RTI Act and also does not bother to comply with the order of first appellate authority and in most of the cases the records speaks for itself that the PIO is habituated in adopting such tactics. He further submitted that lots of hardship caused to him pursuing his RTI Application.

9. I have scrutinise the records available in the file so also submission of both the parties .
10. Section 4 (1)(d) of the RTI Act requires that the public authority to provide reasons for his administrative or quashi Judicial decision to the effected person.
11. The Hon'ble Delhi High Court in writ petition (c)No. 5957/2007; Kusum Devi V/s Central Information Commission has held that;

"The petitioner certainly has right to ask for "Information" with regards to complaints made by him, action taken and the decision taken thereafter".
12. On perusing the application of the appellant filed in terms of section 6 of RTI Act, one could gather that the appellant was intending to know the action taken report by the Chief Officer of Mapusa Municipal council, status /progress report made on his representation dated 19/7/2018 and correspondence letters, the names and designations of officers entrusted the duties of processing his above representations.
13. In view of the ratio laid down by The Hon'ble High Court of Delhi in case of Kusum Devi (supra), the appellant had every right to know the status of his complaint and proceedings conducted therein. As such by applying the above ratio I am of the opinion that the appellant herein is entitle for the information as sought by him vide his application dated 03/09/2018.
14. It is also seen from the records that Respondent PIO have not acted in conformity with the provisions of RTI Act. The PIO and

the public authority must introspect that not furnishing of the correct and/or incomplete information lands the citizen before first appellate authority and also before this commission resulting into unnecessary harassment of the common man which is socially abhorring and legally impermissible and hence the PIO is hereby Admonished and is hereby directed to be vigilant henceforth while dealing with the RTI matters and to comply the provisions of the RTI Act in true spirit.

15. In the above given circumstances the following order passed .

ORDER

1. Appeal partly allowed.
2. The Respondent No. 1 Public Information Officer of Mapusa Municipal council , Mapusa Goa is hereby directed to comply order dated 21/11/2018 passed by the Respondent No. 2 First appellate authority in appeal No 104/2018 and to furnish the information to the appellant herein as sought by the appellant vide RTI application dated 03/09/2018, free of cost within 20 days from the date of the receipt of this order.

With this above direction the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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