

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

Appeal No.: 334/2019/SIC-I

Mr. Surendra S. Govekar
R/o H.No.678/5,Soratto Waddo,
Anjuna Bardez -Goa.

.....Appellant

V/s

1. The Public Information Officer (PIO),
The Secretary,
Village Panchayat Anjuna-Caisua,
Bardez-Goa.
2. The First Appellate Authority,
The Block Development Officer, Bardez,
Mapusa, Bardez –Goa.

.....Respondents

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

Filed on: 25/11/2019

Decided on: 18/02/2020

ORDER

1. The second appeal came to be filed by the Appellant Shri Surendra Govekar on 25/11/2019 against the Respondent No. 1 Public Information Officer (PIO) of the Village Panchayat Anjuna-Caisua-Goa and against Respondent No.2 First Appellant Authority (FAA) under sub section (3) of section 19 of RTI Act.
2. The brief facts leading to the second appeal are that the appellant vide his application dated 5/4/2019 addressed to Respondent No. 1 PIO of Office of Village Panchayat, Caisua-Goa had requested for the certain information on 5 points including inspection of records as listed therein in exercise of his right under 6 (1) of RTI Act, in respect to various trade establishment licences and no objection certificate (provisional) issued by Anjuna Caisua panchayat from the period 17/10/2017 to 04/04/2019 to various commercial establishment and other etc within Panchayat jurisdictions .

3. It is the contention of appellant that he received a reply from, Respondent No.1 dated 2/5/2019 bearing reference No VP/ANJ-CAI/2019-20/227 by Registered A.D, informing him to seek the inspection of the records as per the point no. 4 of his application and accordingly to ask for specific information.
4. It is the contention of the appellant that even though he carried the part inspection on 25/6/2019 and on 26/6/2019 for about one hour, he received a letter from Respondent no. 1 PIO dated 1/7/2019 informing him that after inspection of entire records he refused to make endorsement on application and also not asked information thereafter in the form of certified copies and hence the RTI application filed by him is disposed accordingly.
5. It is the contention of the appellant that vide his letter dated 4/7/2019 requested Respondent PIO to allow the appellant to carry out the inspection of entire records and to reconsider his RTI application dated 5/4/2019.
6. It is a contention of the appellant inspite of his request letter dated 4/7/2019 to allow him to carry out the inspection of the files/documents as well as complete and correct information, the Respondent no. 1 PIO malafidely refused to furnish the said information and thus being aggrieved by such denial, he preferred the first appeal on 1/8/2019 before the respondent no. 2 Block Development Officer, Mapusa Bardez-Goa being a First Appellate Authority.
7. It is the contention of the appellant that the Respondent No.2 first appellate authority after hearing both the parties,by an order dated 9/10/2019 was pleased to allowed his appeal and directed Respondent No.1 PIO to allow appellant to inspect the files/documents within 15 days and if the information is

available the same should be furnished to the appellant, from the date of identifying the documents by him free of cost and the appellant was directed to acknowledge the receipt of inspection.

8. It is the contention of the appellant that despite of the order and directions of Respondent no. 2, the Respondent no.1 PIO failed to furnish him inspection and the required documents as were directed by Respondent No. 2 and such act on the part of respondent No.1 PIO amounts to utter disregards and contempt of order of the respondent no. 2 First Appellate Authority and has breached the mandate of RTI Act, 2005, hence he being aggrieved by the action of Respondent PIO is forced to approach this commission with a second appeal .
9. In this background the second appeal came to be filed before this commission with a contention that the information still not furnished and seeking order from this commission for direction to respondent PIO for furnishing him the required information and for invoking penal provisions as contemplated under section 20 of RTI Act for failure, negligence, carelessness attitude, and for total disrespect shown by the concerned officer to adhere to the order issued by the Respondent No. 2 and also invoking section 19(8) (b) of RTI Act against respondent No. 1 PIO for the loss and detriment suffered by him.
10. The matter was taken up on board and was listed for hearing after intimating both the parties. In pursuant to notice of this commission, appellant appeared in person alongwith Advocate Atish Mandrekar. Respondent PIO Shri Dharmendra Govekar was present along with Advocate Kapil Kerkar. Respondent No. 2 first appellate authority opted to remain absent.

11. In the course of the hearing before this commission, the respondent No.1 PIO showed his willingness to furnish the information to the appellant and requested appellant to inspect the documents first and then to identify the document required by him. Such an arrangement was agreed by the appellant and the date for inspection was mutually fixed by both the parties on 21/1/2020 and accordingly after inspection the respondent no.1 PIO furnished the said information alongwith the documents to the appellant. Appellant after verifying the same submitted that the same is furnished to him as per his requirement. He further submitted that as his main intention was to receive the information and since the information now been provided he is not pressing for penal provision. Accordingly endorsed his say on the memo of appeal.
12. Since available information have been now furnished to the appellant, free of cost as per the requirements of the appellant, I find no further intervention of this commission is required for the purpose of furnishing information and hence prayer(I) becomes infructuous.
13. Before parting the Commission hereby observes that the Respondent No. 1 PIO have not acted with conformity with the provisions of the RTI Act. Once the order was passed by the first appellate authority who is superior officer of the PIO, it was for PIO to comply the said order unless the same is challenged. There is no records available in the file that the same was challenged by the PIO.
14. If the correct and timely information was provided to the appellant, it would have saved valuable time and hardship caused to the appellant herein in pursuing the appeal before the different authorities. It is quit obvious that the appellant has suffered lots of harassment and mental torcher in seeking the

information under the RTI Act. If prompt and correct information was provided at the initial stage itself, such harassment and detriment could have been avoided.

15. There is delay in furnishing complete information. However considering the facts that applications was respondent well within the period of 30 days and offered inspection of the records at point 4 and also taking into consideration that appellant did not press for penal provisions, this commission takes a lenient view in the present proceedings and the respondent No. 1 PIO is here by admonished. Any lapses if found on the part of such officer who acts as a barrier in smooth implementation of the Act, will be viewed seriously and shall be dealt sternly henceforth.
16. With the above directions 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.

Pronounced in the open court.

Sd/-

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