

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

Appeal No. 348/2019/SIC-I

Shri Nitin Y. Patekar,
Oshalbag, Dhargal,
P.O. Colvale, Goa.
V/s

....Appellant

1) The Public Information Officer,
Office of Directorate of Sports & Youth Affairs
Campal, Panaji Goa.

2) First Appellate Authority,
Office of Directorate of Sports & Youth Affairs
Campal, Panaji Goa.

.....Respondents

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

Filed on:05/12/2019
Decided on:20/01/2020

ORDER

1. The appellant, Shri Nitin Y.Patekar has filed present second appeal against Respondent No. 1 Public Information Officer (PIO) of the Directorate of Sports & Youth Affairs, Panajim-Goa and against Respondent No. 2 the First Appellate Authority (FAA) praying that the information at point no. 1 as requested by him in his application dated 18/9/2019 be furnished to him correctly and completely and for invoking penal provisions against respondent no. 1 PIO, and against Respondent No.2 FAA.
2. The brief facts leading to present appeal are as under:-
 - a) The appellant vide his application dated 18/9/2019 had sought for inspection of the file and the status/action report of letter/file No.2/07/(750)/09/DSYA-Adm-Part dated 30/8/2019, inwarded in office of law Department on 6/9/2019 under inward No.2208. The said information was sought from PIO of the Department of Law by the appellant in exercise of appellant's right u/s 6(1) of Right to Information Act, 2005.

- b) It is the contention of the appellant that his above application was transferred by the PIO of the Department of Law to the Respondent No.1 PIO of the Director of Sports and Youth Affairs vide letter dated 20/9/2019.
 - c) It is contention of the appellant that his above application was responded by Respondent No. 1, PIO on 21/10/2019 interms of subsection (1) of section 7 wherein he was requested to visit office on 22/10/2019 at 11.00 am for inspection of the file in the Administrative section.
 - d) It is contention of the appellant that he was not satisfied with the above reply of Respondent no. 1 PIO, as such he filed first appeal interms of sub section (1) of section 19 of RTI Act on 21/10/2019 before the Respondent No. 2 Director of Sports and Youth Affairs, Panajim-Goa being first appellate authority.
 - e) It is contention of the appellant that respondent No. 2 FAA did not heard his first appeal nor any order was passed by Respondent no.2 First Appellate Authority , as such he being aggrieved by such an action of both the Respondents, is forced to approach this Commission on 5/12/2019 in the second appeal as contemplated under sub-section (3) of section 19 of RTI Act, 2005.
3. In this background the present appeal has been filed on the grounds raised in the memo of appeal with the contention that complete information is still not provided and seeking order from this Commission to direct the Respondent No. 1 PIO for providing information at point no. 1 as sought by him, free of cost and for other relief.
4. The matter was taken up on board and was listed for hearing. In pursuant to notice of this commission appellant appeared in person. Respondent No.1 PIO Shri Gurudas Vernekar was

present. Respondent No.2 First appellate authority represented by Shri Jaiprakash Sutagatticar .

5. Reply filed by both the above named respondents on 13/1/2020. The copy of the replies of both the respondents were furnished to the appellant herein .
6. The Respondent PIO during the hearing on 13/1/2020 volunteered to furnish the information at point no. (1) to the appellant and accordingly the same was furnished on 20/1/2020 after verifying the information the appellant submitted that he is satisfied with the information provided to him by respondent PIO vide reference No.DSYA/RTI/Appeal/2020/3243 dated 20/01/2020 and accordingly endorsed his say on the memo of appeal.
7. Since now the information at point no. (1) has been provided to the appellant, no intervention of this commission is required for the purpose of furnishing the information and as such the prayer (2) becomes infructuous .
8. The facts of the present case doesn't warrant the levy of penalty on PIO as it is seen from the records that the application under RTI filed by the appellant was received by the appellant on 23/9/2019 which was responded on 21/10/2019, well within the period of 30 days. There was no denial of information from Respondent no.1 PIOs side.
9. Only lapse found in this case was that the Respondent no.2 first appellate authority have not disposed the first appeal within 30 days time as contemplated u/s 19(6) of RTI Act. The respondent no. 2 First Appellate Authority have fairly admitted of having not disposed first appeal, however it is his contention that since the appellant did not turn up in the office for inspection, on 22/10/2019, the date for hearing could not be fixed and the hearing could not be completed within the specific period of time as stipulated under RTI Act. It needs to mention that the

Respondent no.2 First Appellate Authority being a Quashi Judicial Authority was excepted to act independently and ought to have issued notice to both the parties and after following the due procedure ought to have dispose the first appeal within time. Hence the Respondent no.2 first appellate authority is hereby directed to be vigilant henceforth while dealing with RTI matter and to comply with the provisions of RTI Act in true spirit.

With this above directions the appeal 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