

GOA STATE INFORMATION COMMISSION
Kamat Towers, seventh Floor, Patto, Panaji, Goa

Shri Prashant S. P. Tendolkar,
State Chief Information Commissioner

Appeal No.339/2019/CIC

Francisco Antonio Xavier Fernandes,
Through his legal Heir,
Mr. Richard Fernandes,
HNo.113, Amblai, Panchwadi,
Ponda –Goa. 403401.

.... Appellant

V/s

- 1) The State Public Information Officer,
Executive Engineer,
PWD, XVIII(Roads) Ponda –Goa 403401.
- 2) The First Appellate Authority,
PWD Office, Altinho,
Panaji Goa 403001.

..... Respondents.

The following order is passed in the course of the hearing of the above Appeal on 03/01/2020.

“Taken up before CIC:

Appellant called absent. Shri Anand Phadte Gaonkar representing PIO present. Shri Deelip B. Khaunte representing FAA present under letter of authority. Copy of the appeal memo furnished.

On going through the records it is seen that the application dated 30/07/2019 u/s 6(1) of the RTI Act 2005 was filed by one Shri Francisco Antonio Xavier Fernandes. In the present appeal the appellant is titled as one Mr. Richard Fernandes claiming as legal heir of Shri Francisco Antonio Xavier Fernandes. Notice issued in the name of original applicant, Shri Francisco Antonio Xavier Fernandes is returned unserved with a remark “party expired”. The RTI Act

...2/-

2005 confers rights to an individual citizen. Such rights are not inheritable. Hence the legal representative/heir does not acquire any right in the proceeding by way of Succession after death of applicant and the proceeding abate upon the death of the applicant.

Considering the above position the present proceeding does not survive as the heir cannot succeed or proceed with the matter which is already abated. As a result the proceeding stands closed.

The order shall not prejudice the right of the successor/s to seek the information in his personal capacity as a citizen under the Act.

Proceeding closed.

Sd/-
CIC

Sd/-
(Ulhas N. Kadam)
Under Secretary cum Registrar
Goa State Information Commission
Panaji –Goa