

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

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Appeal No. 37/2020/SIC-I

Shri Stanley J. Rocque,  
S-4, Esteves Apartments,  
Merces, Tiswadi –Goa.

....Appellant

V/s

1)First Appellate Authority (FAA),  
Principal, V.M.Salgaoncar College of Law,  
Miramar, Panajim-Goa .

.....Respondents

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

Filed on: 02/03/2020  
Decided on: 23/06/2020

**ORDER**

1. Brief facts of the present proceedings as put forth by the Appellant Shri Stanley Rocque are as under:-

(a) In exercise of right under section 6(1) of Right To Information Act, 2005, the Appellant filed application on 08/08/2019 seeking certain information from the public information officer of the V. M. Salgaonkar College of Law, Miramar, Panajim–Goa on 9 points as stated therein in the said application mainly pertaining to Professor Naguesh Sadanand Colvalkar .

(b) It is the contention of the Appellant that the Public Information Officer decided to provide information as the third party failed to justify and established that the information sought by the Appellant is exempted from the disclosure or unreasonably interference with the privacy of the third party .

(c) It is contention of the Appellant that the third party namely Professor Naguesh Colvalkar filed appeal before the Principal of V.M. Salgaonkar College of law on

11/9/2019 being First Appellate Authority against the decision of the PIO of furnishing his information.

(d) It is contention of the Appellant that the Respondent herein failed to pass any order/decide the appeal dated 11/9/2019 filed by the third party and still pending for disposal .

2. In this background the Appellant being aggrieved by the action of the Respondent First Appellate Authority has approached this commission on 29/01/2020 as contemplated u/s 19(3) of RTI Act ,2005 .
3. Notices were issued to both the parties including the third party whose information has been sought. In pursuant to notice of this Commission, Appellant was present in person . Respondent FAA was represented by Advocate S. Sarmalkar. Third party Namely Naguesh Colvalkar was present . .
4. Reply filed by Respondent on 16/3/2020 thereby resisting the Appeal. It was contended by Respondent that they have disposed of the first Appeal on 27/2/2020 and thus the present Appeal filed by the Appellant is infructuous. Copy of the order dated 27/2/2020 passed by the Respondent First Appellate Authority was also enclosed to the said reply in support of his above contention. Copy of the said reply alongwith the enclosures was furnished to the Appellant.
5. Written submission were filed by the Appellant on 16/3/2020 alongwith enclosures. The copy of the same was furnished to the Respondent and to the third party. The Advocate for Respondent sought time to file written submission as such the matter was then fixed on 23/3/2020 for additional submission of Respondent and for order. The matter could not be taken up on 23/3/2020 in view of lockdown due to Covid-19. After lifting up of lockdown fresh notice were issued to parties. In pursuant

to which Appellant was present in person. Respondent First Appellate Authority was absent despite of due service of notice. Hence I presume and hold that Respondent has no any further say to be offered.

6. I have scrutinised the records available in the file and also consider the submission of both the parties .
7. In the present case the Appellant has approached this commission with a grievance against Respondent First Appellate Authority for not disposing/not passing any order on the first appeal filed by the third party namely Professor Naguesh Colvalkar on 10/9/2019 within time. Since the Respondent has placed on record the order passed by him dated 27/2/2020, the copy of which was already served to Appellant by the Respondent, I find that no further intervention of this commission is required and the relief sought at prayer (b) becomes infructuous.
8. The Appellant herein has sought for penalty and also for recommending disciplinary action against Respondent First Appellate Authority for not passing the order on the first appeal filed by Dr. Naguesh S. Colvalkar and also for delay in passing the order with malafide intentions after completion of 171 days after the receipt of the Appeal from third party.
9. It needs to mention that the RTI Act came into existence to provide fast relief as such the time limit is fixed to provide the information within period of 30 days and to dispose the first appeal maximum within 45 days and to transfer the application interms of section 6(3) within 5 days.
10. It is seen that as per the records the first appeal was filed on 10/9/2019. The Respondent ought to have disposed the same maximum within 45 day i.e approximately by

26/10/2019. However the same came to be disposed on 27/2/2020. There is a delay in disposing the first appeal. The Respondent has not acted in conformity with the provisions of RTI Act.

11. However , as per the provisions of the RTI Act, only the PIO can be penalized u/s 20 of the RTI Act. I do not find any provisions under the Act conferring powers to commission to impose penalty or initiating disciplinary proceedings against the First Appellate Authority. Hence the relief as sought by the Appellant which is in nature of penal action in the present proceedings against Respondent First Appellate Authority cannot be granted.
12. The Respondent is hereby directed henceforth to comply with the provision of RTI Act in true spirit and to dispose the first appeal within stipulated time as contemplated under section 19(6) of RTI Act.
13. With the above directions proceedings stands closed.

Pronounced in the open Court. 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

