

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

---

**Appeal No. : 347/2019/SIC-I/**

Shri Tukaram Appa Patil,  
R/o Solacia Society, F-4/102, Baif Road ,  
Behind Mozee College of Engineering,  
Wagholi –Pune-412207(M.H),  
v/s

.....Appellant

1. Public Information Officer,  
O/o the Directorate of Technical Education,  
Porvorim Bardez –Goa-403521,

2. The Director, Directorate of Technical Education  
First Appellate Authority (FAA),  
Porvorim Bardez –Goa-403521

....Respondents

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

Filed on: 21/11/2019  
Decided on: 21/01/2020

**ORDER**

1. The brief facts leading to the second appeal as put forth by the appellant Shri Tukaram Appa Patil are as under:-

a. That the appellant, in exercise of his right under sub-section (1) of section 6 of RTI Act, 2005, vide his application, dated 24/9/2019 addressed to the Respondent No.1 Public Information officer (PIO) of the office of Directorate of Technical Education, Porvorim, Bardez-Goa, had requested information on the current status of letter bearing Sl. No.P2/G/0107190114 dated 1/7/2019 received from under Secretary, President's Secretariat, Rashtrapati Bhavan, New Delhi regarding erroneous promotion and excess pension fixation to Shri Shivdas G. Ekawade, Ex-store officer, Government Polytechnic, Panajim-Goa.

b. 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 Public Information Officer (PIO), within stipulated time as such deeming the

same as rejection, he filed first appeal in terms of section 19(1) of RTI Act, before Respondent No. 2 the Director of Education on 18/10/2019 being first appellate authority.

c. It is the contention of the appellant that the Respondent No. 2 first appellate authority did not hear his first appeal and did not pass any order within stipulated time as contemplated under the RTI Act as such, he being aggrieved by the action of both the Respondents herein, has been forced to approach this commission by way of second appeal.

2. In the above background the appellant being aggrieved by action of Respondents has approached this Commission on 19/11/2019 in this second appeal u/s 19(3) of the RTI Act on the grounds raised in the memo of appeal with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish him the information.
3. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which appellant was represented by Advocate Sanjana Gaonkar. Respondent No. 1 PIO Shri Pradeep Kusnur and Respondent No. 2 Dr. Vivek B. Kamat appeared and filed their respective replies on 13/1/2020 copy of the same was furnished to Advocate for appellant.
4. Both the Respondents submitted to consider their replies as their arguments.
5. The Respondent No. 1 PIO vide his reply submitted that on receipt of the RTI application, he on the very next day forwarded the application to Assistant Director (ESTT) of their Directorate vide his letter dated 27/9/2019 to furnish the available information, as service matters of staff was dealt by establishment section and in

support of his contention he relied upon letter dated 27/9/2019 seeking assistance in terms of section 5(4) of RTI Act.

6. It was further contended that the reply as furnished by the Establishment section was duly forwarded to appellant by him vide his letter dated 16/10/2019 and in support of his contention he relied upon his letter dated 16/10/2019 given in terms of section 7(1) thereby enclosing a letter dated 30/9/2019 addressed to PIO by Assistant Director (E) Shri Alvito D'Silva and letter dated 9/9/2019 addressed to the Principal of Government Polytechnic, Panajim by the Director of technical Education.
7. It was further contended that appellant is making false and incorrect statement that a reply had not been finished by him and his first appeal has not been heard.
8. It was further contended that he had acted in true spirit of the mandate of provisions of the RTI Act, by furnishing the available information to the applicant within a time limit specified under the RTI Act.
9. The Respondent No.2 First Appellate Authority vide his reply contended that the appellant is making false and incorrect statement that the reply had not been furnished by the PIO and his appeal has not been heard. It was further contended that since the appellant in his appeal memo submitted that he does not seek a personal hearing as such he passed order after ascertaining the facts of the matter and after examining the documents and in support of his contention, he relied upon order passed by him on 19/11/2019 .
10. It was further submitted that the appellant has chosen to file appeal on 27/10/2019 without even waiting for the mandatory time period of 30 days provided under RTI Act for public information officer to furnish the information.
11. I have scrutinised the records available in the file so also submission of both the parties.

12. It is seen from the records that the RTI application dated 24/9/2019 filed by the appellant was received by the office of Respondent PIO on 26/9/2019 vide entry No. 3330 and the said was responded by the Respondent PIO on 16/10/2019 thereby enclosing the relevant information i.e a copy of the replies furnished by the Establishment sections well within stipulated time of 30 days. On perusing the letter dated 9/9/2019 addressed to the Principal of Government Polytechnic, Altinho Panajim by the Director of technical Education one could gathered that the representation submitted by Shri T.A.Patil dated 22/6/2019 forwarded by the office of President of India was sent and marked to Principal of Government Polytechnic with a request to examine the case and to communicate factual position to Shri T.A.Patil under intimation to their Directorate. In my opinion since the Principal of Government Polytechnic is seized with the matter and hence are in better position to provide the information as sought by the appellant.
13. In above given circumstances I find that ends of justice will meet with following order;

#### ORDER

The respondent PIO is hereby directed to transfer the RTI application dated 24/9/2019 filed by the appellant herein to the PIO of Government Polytechnic at Altinho, Panajim within 5 days interms of section 6(3) of the RTI Act from the receipt of this order and the PIO of Government Polytechnic at Altinho is hereby directed to act in accordance with the provisions of RTI Act.

With the above direction 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