

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Appeal No. 45/2021/SCIC**

Mr. Peter Fernandes,  
S/o. Joseph Fernandes,  
R/o. H.No. 68, Moicawada,  
Pilerna, Bardez-Goa.

.....Appellant

V/S

1. First Appellate Authority,  
Town and Country Planning,  
Dempo Towers, 2<sup>nd</sup> Floor,  
Patto, Panaji-Goa. 403001.

2. Public Information Officer-I,  
Town and Country Planning,  
Dempo Towers, 2<sup>nd</sup> Floor,  
Patto, Panaji-Goa. 403001.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 24/02/2021**

**Decided on: 15/12/2021**

**FACTS IN BRIEF**

1. Brief facts relevant for the decision of the case are that Appellant had sought information under Right to Information Act, 2005 (hereinafter to be referred as 'Act') from the Public Information Officer (PIO) of the Town and Country Planning Department (Head Quarters) at Panaji, Goa vide application dated 07/09/2020 under sec 6(1) of the Act, pertaining to the total number of employees including the officers of Town and Country Planning Department who have completed 3 years in the respective TCP branch office / taluka office in the state of Goa, the reason behind for non transferring the said employees and officers despite completing 3 years as per transfer policy guidelines of 1993 and also reason behind his own transfer to Pernem taluka at Pernem Goa.

2. Said application was not responded by the PIO within stipulated time, therefore deeming the same as refusal, Appellant filed his first appeal before the Chief Town Planner (ADM), Town and Country Planning Department, Dempo Towers, Patto Panaji Goa being the First Appellate Authority (FAA).
3. The FAA by its order dated 18/01/2021 partly allowed the appeal and directed the PIO to furnish the information within 20 days.
4. Since the PIO failed and neglected to comply the order of FAA, the Appellant landed before the Commission under sec 19(3) of the Act by filing this second appeal.
5. Parties were notified, inspite of valid service of notice the Appellant, PIO and FAA failed to appear before the Commission.
6. Perused the pleadings and scrutinised the records.
7. On perusal of RTI application dated 07/09/2020, it reveals that Appellant is one of the employee of Town and Country Planning Department and his main grievance appears to be to ascertain the reason behind his transfer to Pernem taluka.

The PIO is expected to provide the information as available in the records. The PIO cannot give his opinion, advice, clarification or view under the Act.

8. However the reasons if any rendered in the notings of the file while taking a decision by the authority is required to be furnished since it is a part of the records.
9. Through Appellant filed this appeal, he never appeared before the Commission to clarify if pursuant to the order of the FAA, the information has been furnished or not.

10. Considering this facts, and in order to take the process of application filed under the act to its logical conclusion, I hereby pass the following :-

## **ORDER**

- The appeal is partly allowed.
- The PIO is directed to comply with the order of the FAA dated 18/01/2021 and furnish the information within **fifteen days** from the date of receipt of this order.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner