

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

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Appeal No. 91/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa.
403507

.....Appellant

V/S

1. The Public Information Officer,
Health Officer,
Urban Health Centre,
Mapusa-Goa.

2. The First Appellate Authority,
Directorate of Health Services,
Government of Goa,
Campal, Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 15/04/2021

Decided on: 30/09/2021

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye, r/o H.No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 14/12/2020 filed under sec 6(1) of the Right to Information Act, 2005 (Act for short) sought certain information from Public Information Officer, Urban Health Centre, Mapusa Goa under 3 points therein.
2. The said application was replied by PIO on 14/01/2021. Not satisfied with the reply of PIO, Appellant filed first appeal before the Directorate of Health Service, Campal, Panaji-Goa being the First Appellate Authority (FAA) on 01/02/2021.
3. FAA by its order dated 17/02/2021 partly allowed the first appeal and directed PIO to furnish the reply in detail in respect of point No. 2, within seven days from the receipt of the order. The PIO vide letter dated 26/02/2021 informed the Appellant that

information is not available in view of reply received from the Chief Officer of Mapusa Municipal Council.

4. Aggrieved with the said reply, the Appellant preferred this Second appeal under sec 19(3) of the Act before this Commission.
5. Notice was issued to the parties, pursuant to which PIO, Dr. Cherly De Souza appeared and filed her reply on 05/07/2021. Shri. Mahesh Mangueshkar representative of FAA appeared and filed reply on 05/07/2021.
6. In spite of the valid notice, the Appellant opted not to remain present before this Commission having put the entire machinery into motion. As the Appellant did not appear for the hearing, the arguments of Respondent were heard in his absence.
7. According to the PIO, she received the RTI application from the Appellant on 14/12/2020 and she replied and furnished information to the Appellant on 14/01/2021 vide letter dated UHCM/RTI/2020-21/1728 within the stipulated time.
8. Further according to PIO, by complying the order of FAA dated 22/02/2021, she has furnished the clarification of information at Point No. 2 by the letter dated 26/02/2021. She submitted that she has not denied the information or has not given any incomplete or misleading information.
9. FAA through his reply submitted that he has received the first appeal from the Appellant and accordingly matter was fixed for hearing before the FAA, however Appellant did not attend the same. Hence another opportunity was given to him but in spite of that, Appellant failed to remain present and therefore the matter was decided in his absence, thereby directing the PIO to clarify the Appellant regarding Point No. 2 of the RTI application.

10. On perusal of the correspondence, it is revealed that, upon the complaint of Appellant dated 25/09/2020 to Urban Health Centre, Mapusa, the site inspection has been carried out by the Sanitary Inspector on 21/10/2020 at Fish Market Complex at Mapusa Municipal Market at Mapusa. During the inspection it has been noticed that the fish market has narrow drainage for letting out waste water, thus it creates nuisance and an impeding sources of health hazard to the public in general.

Therefore, PIO as incharge of UHC issued notice to Chief Officer of Mapusa Municipal Council, Mapusa Goa under sec 40(1) of the Goa Public Health Act 1985 with the direction to take appropriate measures within the period of 30 days.

The Chief Officer of Mapusa Municipal Council by letter dated 11/01/2021 replied the said notice stating that Council is in the process of installing the Effluent Treatment Plant (ETP) to treat the grey water generated at Municipal fish Market of Mapusa Municipal Council and accordingly notice issued may be withdrawn.

That being the case the PIO replied the information at Point No. 2, as "Information not available in view of the compliance report submitted by the Chief Officer."

11. It is seen from the records that the information sought on 14/12/2020 was furnished by the PIO on 14/01/2021, thus the information as available with the authority has been furnished to the Appellant within the prescribed time limit.

12. The contention of the Appellant is that the information is incomplete and vague and he is not satisfied with the information. Besides a bare statement, the Appellant has not clarified as to how the information furnished is incomplete and vague. I am convinced that the PIO, has furnished whatever available in the record, initially as well as on the direction of FAA.

13. Considering the fact and circumstances, I find no merit in the appeal. PIO acted diligently and therefore I do not find any ground to invoke any penal action under sec 20(1) and 20(2) of the Act as prayed by the Appellant.

In the backdrop of above, I dispose the appeal with the following:

O R D E R

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Order to be communicated to parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner