

GOA STATE INFORMATION COMMISSION

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CORAM: Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 204/2019/SIC-II/

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

.....Appellant

v/s

(i) The Public Information Officer ,
Directorate of Social Welfare,
18th June Road, Panaji – Goa.

(ii) The First Appellate Authority,
Directorate of Social Welfare,
18th June Road,
Panaji – Goa

..... Respondents

Filed on : 26/06/2019

Decided on : 26/04/2021

Relevant dates emerging from appeal:

RTI application filed on	: 20/03/2019
PIO replied on	: 17/04/2019
First appeal filed on	: 25/04/2019
FAA order passed on	: 15/05/2019
Second appeal received on	: 26/06/2019

ORDER

- 1) The Appellant Shri. Jawaharlal T. Shetye has filed the present second appeal against the Respondent No. 1 Public Information Officer (PIO), Directorate of Social Welfare and Respondent No. 2 First Appellate Authority (FAA), Director of Social Welfare Department. The Appellant prayed before this Commission as under:-
 - (a) Direct the PIO to furnish complete and correct information,
 - (b) Directions to Respondent PIO to abide

with the FAA's Order, (c) Directions to the Respondent no. 2, FAA to furnish the certified copy of the judgment dated 15/05/2019, (d) Direct both the Respondents to take immediate steps and measures, in the implementation of the provisions of section 4(1)(a) and 4(1)(b) of the RTI Act, 2005 (e) Invoke section 20(1) of the RTI Act 2005 against the Respondent PIO, (f) Invoke section 20(2) against Respondent PIO for intentionally furnishing incomplete and incorrect/misleading information.

2) Brief facts leading to the second appeal are as under:-

Appellant vide application dated 20/03/2019 filed under sub section (1) of section 6 of the RTI Act had requested for the information from the Respondent PIO in respect of the representation made by Mapusa People's Union dated 05/12/2018, regarding caste certificate of Shri. Swapnil Shirodkar.

3) It is the contention of the Appellant that the Respondent PIO vide his reply dated 17/04/2019 received by the Appellant on 03/05/2019, after filing first appeal, furnished part information.

4) It is the contention of the Appellant that being aggrieved by no response and no reply furnished by the respondent PIO within the stipulated period, the Appellant preferred first appeal before the First Appellate Authority, Respondent No. 2, the Director of Social Welfare Department.

- 5) It is the contention of the Appellant that the FAA passed an Order on Roznama dated 15/05/2019, copy of which was not handed over to the Appellant; informing the Appellant that copy will be sent to the Appellant through registered AD post.
- 6) It is the contention of the Appellant that since the copy of the FAA Order was not received by the appellant within reasonable time, the Appellant preferred second appeal before the Goa State Information Commission on 26/06/2019.
- 7) Matter was taken up on board and was listed for hearing and accordingly notices were issued to the concerned parties. During the hearing on 17/03/2021 , it was noted that Respondent No. 1, PIO has filed reply on 11/02/2020 and copy of FAA Order is also furnished on 21/05/2020 which was taken on record by the Commission. Copies of these documents were furnished to the appellant on 17/03/2021.
- 8) During the hearing on 08/04/2021, the Appellant Shri. Jawaharlal Shetye stated that since the information sought by him has been furnished by the Respondents and he wishes for disposal of this appeal. Further, the Appellant has submitted a letter, received by this commission vide entry No. 601 dated 15/04/2021. The said letter reads: "The Appellant most respectfully states and submits as under:
 - a) That the requested information has been furnished by the Respondent PIO.
 - b) The Appellant has no grievance with regards to the information furnished by the Respondent PIO.

c) Therefore it is prayed before this Hon'ble Commission to dispose off the Appeal No. 204/2019".

(9) The Commission observes that Right to Information Act goes to an extent of making PIO personally and financially liable for not providing information that has been asked by a member of the public. Also, not passing an order on first appeal is considered as dereliction in duty by the First Appellate Authority. In the case of this appeal, PIO has furnished information, but after the expiry of stipulated period of 30 days. Also First Appellate Authority passed Order on first appeal, but didn't send a copy of the Order to the appellant. The information sought by the Appellant as well as the copy of FAA Order was furnished to the appellant much later, during the hearing of second appeal before this Commission.

(10) In the above circumstances and in the light of above discussions:

(a) I dispose off the appeal since the information has been furnished to the appellant and the Appellant has expressed his satisfaction on the information provided. No more intervention of this commission is required in this matter.

(b) The Respondent No. 1, PIO and Respondent No. 2, FAA are cautioned to be more deligent while dealing with applications under the RTI, Act.

(c) Rest of the prayers are rejected.

Hence the appeal proceedings stand disposed and 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 Writ Petition as no further appeal is provided against this order under the Right to Information Act 2005.

Sd/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission
Panaji- Goa.