

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 166/2021/SIC

Smt. Sneha D. Korgaonkar,
C/o. Wath 17 P.& T. Colony,
Pratap Nagar, Nagpur,
Maharashtra 440022.

..... Appellant

v/s

1. The Public Information Officer (PIO),
The Mamlatdar,
Mormugao, Vasco-Da-Gama, Goa.

2. The First Appellate Authority (FAA) &
Dy. Collector & S.D.O Vasco,
Mormugao-Goa.

..... Respondents

Filed on : 28/07/2021

Decided on : 13/01/2021

Relevant dates emerging from appeal:

| | |
|---------------------------|--------------------------|
| RTI application filed on | : 01/03/2021 |
| PIO replied on | : 12/03/2021, 07/05/2021 |
| First appeal filed on | : 30/04/2021 |
| FAA order passed on | : 20/09/2021 |
| Second appeal received on | : 28/07/2021 |

ORDER

1. The second appeal filed by the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the Act) against Respondent No. 1 Public Information Officer (PIO) and Respondent No. 2 First Appellate Authority (FAA) came before the Commission on 28/07/2021. The appellant prayed for directions to PIO to furnish the information and penal action against PIO for intentional delay in violation of the Act.
2. The brief detail of this appeal as contended by the appellant are that the appellant vide application dated 01/03/2021 sought certain information from the PIO. The appellant

received a reply dated 12/03/2021 from the PIO, however the information was not furnished. For this reason the appellant filed appeal dated 30/04/2021 before the FAA, however she received no communication from the FAA within the mandatory period. Being aggrieved, the appellant preferred second appeal dated 28/07/2021.

3. The concerned parties were notified and the matter was taken up on board for hearing. The appellant currently residing at Nagpur (Maharashtra), vide submission received by post on 23/08/2021 informed the Commission that she is unable to attend the proceeding due to Covid situation as well as her poor financial condition. However, she filed written submissions dated 06/09/2021, 08/09/2021, 27/10/2021, 28/10/2021 and 06/12/2021. The copy of FAA's order dated 20/09/2021 was furnished by the representative of FAA on 23/09/2021. The PIO filed copy of reply dated 19/10/2021, sent to the appellant.
4. Upon perusal of the records and submissions, it is seen that the appellant, who is currently residing at Nagpur in the State of Maharashtra, sought from the PIO copy of the salary slip of her husband Shri. Dattaram D. Korgaonkar for the month January 2020 PIO initially replied vide letter dated 12/03/2021 requesting the appellant to collect the information by paying necessary fees. The appellant vide letter dated 21/03/2021 wrote to PIO requesting him to send the information by post, for which she also sent the postage. However, the appellant received another letter dated 07/05/2021 from PIO stating the information cannot be furnished under section 8(1)(j) and PIO returned the postage to the appellant.

5. The first appeal was filed before the First Appellate Authority on 30/04/2021, hence as per section 19(6) of the Act, FAA was required to dispose the appeal within thirty days or within the extended period of 45 days, by recording in writing the reasons for the delay. However, the FAA did not dispose the appeal within the mandated period, rather he continued issuing notice to the appellant for hearing on the first appeal even after the mandatory period of 45 days. The FAA is expected to be apprised of the provision in Rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006, which permits appellant to opt not to be present, and in such a case the appellate authority is required to decide the appeal on merit, within the stipulated period.
6. Nevertheless, the FAA vide order dated 20/09/2021 directed the PIO to issue the salary slip of Shri. Dattaram Korgaonkar for the month of January 2020, to the appellant under section 4(1)(b)(x) of the Act. Accordingly the PIO vide letter dated 19/10/2021 sent the information to the appellant by speed post and the appellant received the same on 22/10/2021, as per the records produced by the PIO.
7. However, the appellant vide letter dated 01/12/2021 submitted that the Mamlatdar of Marmugao/PIO has issued an abstract of pay bill for the month of January 2020, without the stamp and seal of the authority. That she requires this document in order to submit it to the court in Nagpur in a case against her husband.
8. It is seen that the PIO has sent abstract of pay bill of Shri. Dattaram Korgaonkar for the month of January 2020. The statement is signed by the PIO/ Mamlatdar of Marmugao.

However the same document is required to be certified with the seal / stamp of his office and the same has to be furnished under the RTI Act.

9. In the light of above discussion, the appeal is disposed with the following order:-

- (a) The PIO is directed to furnish the information sought by the appellant vide application dated 01/03/2021 in the form of abstract of pay bill, duly certified with signature and seal/stamp of his office, within 7 days from the receipt of this order, free of cost.
- (b) The PIO and the FAA are directed to deal with RTI applications and appeals respectively, strictly in accordance with the provisions of the Act.
- (c) All other prayers are rejected.

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.

Sd/-

(Sanjay N. Dhavalikar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

KK/-