

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 211/2022/SCIC

Mr. Bharat L. Candolkar,
R/o. Vady Candolim,
Bardez-Goa.

.....Appellant

V/S

1. The Public Information Officer,
Health Officer,
Primary Health Centre Candolim,
Candolim, Bardez-Goa.

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

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 02/08/2022

Decided on: 07/11/2022

ORDER

1. The Appellant, Shri. Bharat L. Candolkar, r/o. Vady, Candolim, Bardez-Goa by his application dated 29/04/2022 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Health Officer, Primary Health Centre, Candolim, Bardez-Goa.
2. The said application was responded by the PIO on 17/05/2022 informing the Appellant that, information sought for has been refused under Section 8(3) of the Act.
3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Director, Directorate of Health Services at Panaji Goa, being the First Appellate Authority (FAA).
4. The FAA by its order dated 15/07/2022 allowed the said appeal and directed the PIO to furnish the information free of cost to the Appellant within 10 days.

5. Since the PIO failed to comply the order of the FAA dated 15/07/2022, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which, Dr. Roshan Nazareth appeared and filed his reply on 23/09/2022, representative of the FAA, Mrs. Preciosa Joao appeared , however opted not to file any reply in the matter and matter was posted for argument on 25/10/2022.
7. During the course of arguments, the PIO pointed out that, he is unable to comply with the order of the FAA and produced on record the letter dated 25/07/2022, addressed to the Appellant, informing that upon receipt of the order of the FAA, he carried out the extensive search of the file, however he could not trace the records in the office of Primary Health Centre at Candolim, Goa.
8. In the course of argument, the PIO did not dispute the content of the following documents:-
 - I. Letter received by the Health Officer, Primary Health Centre Candolim from the office of Village Panchayat Candolim dated 28/04/2001 which is duly endorsed by Public authority vide entry No. 215 and,
 - II. Copy of no objection issued by the Health Officer of Primary Health Centre, Candolim to the Sarpanch, Village Panchayat Candolim dated 10/08/2001.
9. It is a matter of fact that, above documents were not weeded out or destroyed legally by the public authority as per the order of any authority. However, same is not traceable. Xerox copy of the said document is existing and available in the records.
10. Section 19(8) of the Act has entrusted the Commission with the power to require any public authority to take any steps as may

be necessary to secure the compliance with the provisions of the Act. The High Court of Jharkhand in the case **the Commissioner of Central Excise and Service Tax Ranchi v/s Information Commissioner CIC, New Delhi & Anrs. (L. P. No. 543/2009)** it is held that, under the RTI proceeding if record is required to be reconstituted then, that is certainly within the jurisdiction of the Commission to direct the public authority to take steps to reconstitute the record and furnish the information to the applicant.

11. Considering the content of documents are not disputed by the then PIO, the Health Officer, Primary Health Centre at Candolim, Bardez-Goa, the Commission directed the PIO to reconstitute the file with the help of the Appellant and furnish the information to the Appellant on next date of hearing and matter was posted for compliance on 07/11/2022.
12. In the course of hearing today i.e 07/11/2022, the then PIO, Dr. Roshan Nazareth appeared and furnished the copy of above referred documents to the Appellant. The Appellant scrutinised the documents and submitted that he is satisfied with the information and also made endorsement on the appeal memo that "Information is received on 07/11/2022".

In view of endorsement made by the Appellant, the appeal is disposed off.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner