

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 248/2019/SIC-II

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

.....Appellant

V/S

1. Public Information Officer,
Main Engineer Grade-I,
(Diniz D'Mello),
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. First Appellate Authority,
The Chief Officer (Mr. Clen Madeira),
Mapusa Municipal Council,
Mapusa-Goa. 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 16/08/2019

Decided on: 06/05/2022

ORDER

Matter called out.

Non present for Appellant, PIO and FAA. On the last date of hearing the then PIO, Shri. Vyankatesh Sawant appeared and submitted that he is transferred from the office of Mapusa Municipal Council, Mapusa Goa to Corporation of the City of Panaji vide order No. 13/ENG/2019-DMA/Part/3518 dated 22/12/2021.

Records reveals that, at the relevant time Mr. Diniz De Mello was the designated PIO of Mapusa Municipal Council and accordingly he forwarded the notice of the present appeal to Mr. Diniz De Mello by letter dated 05/04/2021 and to support his submission he placed on record a letter dated 05/04/2021 addressed to Shri. Diniz C.T. De Mello. He also pointed out that the FAA also did not hear the 1st appeal of the Appellant.

On going through the appeal memo it is noticed that the Appellant preferred first appeal on 30/05/2019 before the FAA. However the FAA failed to hear the matter as well as pass the reasoned order.

Under section 19(6) of the Act, the FAA should dispose off the first appeal within 30 days of the receipt of the appeal. In exceptional cases, the appellate authority may take 45 days to dispose off the appeal showing reasonable cause to delay in deciding the appeal. Deciding the appeal under the Act is a quasi-judicial function and it is necessary that FAA should have decided the appeal with a speaking order giving the justification for the decision arrived at. However the FAA in the present matter failed to hear and dispose off the matter. Approach of the FAA in deciding the matter is not in consonance with law, thus violating the mandate of the Act. The FAA has failed to perform his obligation under the Act, and therefore it is appropriate to warn the then FAA that henceforth he should discharge his duties with more diligent manner and in letter and spirit of the law.

In view of above, the matter is remanded back to the FAA to hear the matter a fresh and consider its merit and pass the appropriate order within 30 days. Parties to appear before the FAA.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner