

GOA STATE INFORMATION COMMISSION

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Appeal No. 71/2021/SCIC

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

.....Appellant

V/S

1. Public Information Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. First Appellate Authority/The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 22/03/2021

Decided on: 14/03/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, H. No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 30/11/2020, filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of Mapusa Municipal Council, Mapusa-Goa.
2. Since the said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant preferred first appeal before the Chief Officer, Mapusa Municipal Council at Mapusa Goa being the First Appellate Authority (FAA).
3. The FAA by its order dated 25/02/2021 allowed the said appeal and decided as under:-

"Matter called out.

Appellant Mr. Shetye is present. PIO Mr. Sawant is present. The Appellant had filed RTI application dated

30/11/2020. The PIO has furnished reply to the application today i.e on 25/02/2021. During the course of the hearing the Appellant is not satisfied with the reply. The PIO is directed to study the matter and furnish information pertains to point No. 2 by making efforts to trace the file, Nonetheless the reply to this point No. 2 is information as furnished by the PIO. The replies to the points have been furnished as per available office records. The same are taken on record and found satisfying the RTI Act's definition / terminology. The Appeal is disposed off accordingly.

Directions are given to the Head Clerk to investigate the misplaced file and find it within 15 days failing which FIR to be filed in the matter."

4. According to the Appellant, since the PIO has failed to comply the order of FAA dated 25/02/2021, he preferred this second appeal before the Commission under section 19(3) of the Act.
5. Notice was issued to the parties, pursuant to which the PIO, Mr. Vyankatesh Sawant appeared and filed his reply on 01/10/2021 duly furnishing copy to the Appellant and submitted that available information was furnished to the Appellant vide letter No. MMC/Admn/RTI/1538/2021 dated 25/02/2021 which is duly acknowledged by the Appellant.
6. On meticulous reading of the order of FAA dated 25/02/2021, which is reproduced at para No. 3 hereinabove, it reveals that direction has been given to PIO to study the matter and furnish the information pertaining to point No. 2 by making efforts to trace the file. Directions have also been given to the Head Clerk to investigate the misplaced file and find it within 15 days failing which FIR to be filed in the matter.

7. The PIO in the course of arguments pointed out that, he has made efforts to trace the file and accordingly issued memorandum to Mrs. Mitali Khobrekar vide letter No. MMC/RTI/479/2020 dated 07/12/2020 and sought assistance from the deemed PIO under section 5(4) of the Act however file could not be located.
8. Further as per the direction of FAA, he moved a note to the Chief Officer of Mapusa Municipal Council on 04/05/2021 to take necessary steps in the matter of misplaced file. According to the PIO, he has complied with the order of FAA and produced on record the Memorandum dated 07/12/2020 and the copy of Note moved by him dated 04/05/2021.
9. On going through the records, it is seen that the Appellant had not joined the Head Clerk as a party to this appeal, hence we cannot issue any direction to someone who is not party in the appeal proceedings.
10. Records indicates that available information has been furnished to the Appellant with due acknowledgment of Appellant dated 25/02/2021. The PIO can only supply the material in any form as held by public authority. The RTI cannot be confused with instrument of grievance redressal. It is not possible to settle grievance by invoking the provision of the Act in the garb of seeking information.
11. Considering the above backdrop, I am unable to grant any further relief to the Appellant, consequently the appeal is dismissed.
 - Proceedings closed.
 - Pronounced in the open court.
 - Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner