GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
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Appeal No. 73/2022/SCIC

Shri. Tukaram Appa Patil,
R/o Sunshine Hill, A5/408,
Jagdamba Bhavan Marg,
Near Bricks Institute,
Pisoli-Pune (M.H) 411060 .....Appellant

V/S

1. Smt. Alexandrina Vaz,
The Public Information Officer,
Goa State Information Commission,
Kamat Tower, 7th Floor, Patto,
Panaji-Goa 403001.

2. Shri. Shashank Thakur,
The First Appellate Authority,
Goa State Information Commission,
Kamat Tower, 7th Floor, Patto,
Panaji-Goa 403001. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 02/03/2022
Decided on: 25/07/2022

FACTS IN BRIEF

1. The Appellant, Shri. Tukaram Appa Patil r/o Sunshine Hill, A5/408, Jagdamba Bhavan Marg, Near Bricks Institute, Pisoli-Pune, Maharashtra, 411060, by his application through registered post dated 22/10/2021 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, Office of the Goa State Information Commission at Panaji-Goa.

2. The said application was responded by the PIO on 12/11/2021 by ordinary post and provided all the information to the Appellant.

3. By another application dated 06/12/2021 addressed to the PIO, the Appellant informed that he did not receive the information. Being so, the APIO by additional reply dated 13/12/2021 responded as under:-

Sr. No.	Question	Reply
1	The reply filed against your notice No. 11/2021/SCIC/205 dated 17-03-2021 by PIO, Shri. Pradeep Kusnur on dated 09-04-2021	Certified copy enclosed.
2	The record produce by the PIO i.e the covering letter dated 13/12/2020 and inquiry note.	Not available in the record of this office
3	The reply filed against your notice No. 11/2021/SCIC/205 dt. 17-03-2021 by FAA, Dr. Vivek Kamat on dtd. 09-04-2021	Certified copy enclosed.

4. Not satisfied with the reply of the APIO, the Appellant preferred first appeal before the Under Secretary cum Registrar of Goa State Information Commission at Panaji-Goa being the First Appellate Authority (FAA).

5. The FAA by its order upheld the reply filed by PIO/APIO and dismissed the first appeal on 16/02/2022.

6. Feeling aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act with the prayer to direct the PIO to furnish the complete information.

7. Notice was issued to parties, pursuant to which the PIO, Alexandrina Vaz appeared and filed her reply on 17/05/2022. The FAA, Shri. Shashank Thakur appeared, however opted not to file any reply in the matter. As the Appellant failed to remain present for the hearing, the matter has been decided on the basis of documents on record.

8. Perused the pleadings, reply and considered the documents on record.

9. According to the Appellant, through his RTI application sought certain information related to one disposed appeal bearing No. 11/2021/SCIC. However according to him, inspite of making the requisite payment the PIO furnished incomplete information.

10. On the other hand, the PIO submitted that she has furnished all the available information on 12/11/2021 by ordinary post and to substantiate her claim she produced on record the copy of the outward register. Further according to her, she was on sick leave from 29/11/2021 to 07/01/2022.

11. On perusal of the additional reply filed by the APIO dated 13/12/2021, it makes clear that the information sought by the Appellant at point No. 2 is not available with the public authority.

12. On the meticulous reading of the appeal memo, the Appellant is specifically referring para No. 9 of the order passed by the Commission in **appeal No. 11/2021/SCIC on 08/10/2021** in which he was the party. For better understanding, I am reproducing the para No. 9 of the said judgement which reads as under:-

> *"9. By RTI application, the Appellant sought the information regarding current status of his petition filed against one Mr. S.K. Ekawade, Ex-Store Officer, Govt. Polytechnic Panaji regarding excess pension fixation.*
>
> *During the course of hearing, the PIO produced on record the covering letter dated **14/12/2020** and Inquiry note, wherein inquiry was conducted by Directorate of Technical Education, on the basis of representation filed by Appellant dated 05/09/2020 and*

Government of Goa was pleased to close the matter and accordingly was communicated to the Appellant."

13. However, the Appellant through his RTI application specifically sought information at point No. 2 as under:-

*"2. The record produced by PIO i.e the covering letter dated **13/12/2020** and Inquiry note."*

Since the information of specific date quoted by the Appellant, the APIO replied as under:-

"Not available in the records of this office."

Accordingly this fact is also reiterated by the FAA in its order dated 16/02/2022.

14. Considering the nature of request and grounds under which the information is refused, I find that the APIO has replied appropriately. The PIO is duty bound to furnish the information as it exist and available with the public authority.

15. Considering the above position and submission of the parties in the proceeding, the Commission found that, there was minor error of dates on applicant's part in seeking the information.

16. During the course of hearing dated 01/07/2022, the PIO, Alexandrina Vaz appeared and submitted that by letter bearing No. GSIC/RTI-Matter/TAP/2022-23/269 dated 16/05/2022, she furnished all the information afresh containing 32 pages, to the Appellant and produced on record the copy of dispatched letter alongwith the track consignment of Department of Posts, which confirmed the delivery on 24/05/2022. As a matter of caution, she also produced on record the bunch of documents including the records of Inquiry note and covering letter dated 14/12/2020.

17. Under section 7(1) of the Act, the PIO is required to dispose the request of the seeker within 30 days. Admittedly the PIO and the APIO furnished the reply on 12/11/2021 and 13/12/2021 i.e within stipulated time.

18. The Commission find that the information sought for has been provided to the Appellant and also additional copy of documents is in the record of the proceeding, as the Appellant did not appear for the hearing, leave is granted to the Appellant to collect the copy of the said information within 30 days from the receipt of this order.

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

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner