GOA STATE INFORMATION COMMISSION
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Appeal No. 87/2022/SCIC

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

V/S

1. The Public Information Officer,
Office of the Mamlatdar of Bardez,
Mapusa, Bardez-Goa. 403507

2. The First Appellate Authority,
Mamlatdar of Bardez,
Mapusa, Bardez-Goa. 403507. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 21/03/2022
Decided on: 24/06/2022

ORDER

Matter called out.

Appellant, Shri. Jawaharlal T. Shetye present in person. The PIO Shri. Rupesh Kerkar appeared and submitted that he has recently designated as the PIO and he is adopting the reply filed by the then PIO, Ms. Yogita Velip.

On perusal of records it reveals that the Appellant has filed his first appeal before the First Appellate Authority (FAA) on 02/02/2022. The Appellant alleged that the FAA has failed and neglected to hear and dispose off the matter within stipulated time. Inspite of valid service of notice, the FAA also failed and neglected to appear before the Commission or filed his say in the matter.

Under section 19(1) of the Act, the first appeal is preferred to an officer who is senior in rank to the PIO. Further section 19(6) of the Act, the FAA ought to have dispose off the first appeal within 30 days from the date of receipt of the appeal. In exceptional cases, the Appellate Authority may take 45 days to dispose off the

appeal showing reasonable cause for delay in deciding the first appeal. Deciding the appeal under the Act is a quasi-judicial function and it is necessary that FAA should have decided the appeal with speaking order giving the justification for the decision arrived at.

However, in the present matter the FAA failed and neglected to hear and dispose the matter as mandated by the Act. The approach of the FAA in dealing with the first appeal is appears to be casual and not in consonance with the provisions of law. The Government of India, Ministry of Personnel, Public Grievance and Pensions, Department of Personnel and Training vide Circular No. 10/23/2007/IR dated 09/07/2007 issued Office Memorandum to ensure proper implementation of RTI Act and to secure ends of justice.

The FAA has failed to perform his obligation under the Act and therefore it is appropriate to warn the FAA that henceforth he should discharge his duties with more diligent and cautious manner and implement the provision of law in its letter and spirit.

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 open court.
- Notify the parties.

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