

GOA STATE INFORMATION COMMISSION

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CORAM: Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 292/2021/SIC

Shri Chidambar Ramesh Chanekar,
R/o. H. No. 10189,
Gogol Housing Board,
Margao-Goa.

-----Appellant

v/s

1. The Public Information Officer,
Sub Divisional Police Officer,
Margao-Goa.

2. First Appellate Authority,
Superintendent of Police,
South Goa,
Margao-Goa.

-----Respondents

Filed on:-30/11/2021
Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 02/06/2021
PIO replied on	: Nil
First appeal filed on	: 02/08/2021
First Appellate authority order passed on	: 20/08/2021
Second appeal received on	: 30/11/2021

ORDER

1. Aggrieved due to non furnishing of the information by Respondent No.1, Public Information Officer (PIO) inspite of directions of Respondent No.2, First Appellate Authority (FAA), appellant filed this appeal under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the Act).
2. The concerned parties were notified and the matter was taken on board. Shri. Girendra Naik, Police Inspector, appeared on behalf of the PIO, Sub Divisional Police Officer, Margao only once on 18/01/2022 and appellant chose to remain absent for the entire proceeding.
3. It is seen from the records that the appellant, vide application dated 02/06/2021 sought from PIO information pertaining to his complaint dated 05/05/2021 and inspection of the relevant records. It is the contention of the appellant that no information was received by him and also, no inspection was provided by the PIO within the stipulated period. It is observed that, FAA, while disposing the first appeal directed the PIO to furnish present status of enquiry into the

complaint dated 05/05/2021 and permit appellant to conduct inspection of records pertaining to his request. However, appellant submits vide appeal memo that PIO did not comply with the directions of the FAA.

4. PIO deputed Shri. Girendra Naik for the hearing held on 18/01/2022, however did not file any reply, nor attended the proceeding subsequently. Rule 7 (2) framed by the Government of Goa under section 27 of the Act allows appellant to opt not to be present and still seek the information. However, the Act mandates PIO to remain present either personally or through duly authorised representative during the proceeding and adhere to the directions of the Commission.
5. The information sought by the appellant is not exempted under section 8, nor rejected under section 9 of the Act. In addition to that, the FAA vide order dated 20/08/2021 has already asked PIO to furnish present status of enquiry into the complaint and permit appellant to conduct inspection of records. Thus the order of the FAA needs to be upheld and the present appeal is liable for disposal accordingly.
6. In the light of above discussion, the appeal is disposed with the following order:-
 - a) The order dated 20/08/2021 issued by the FAA is upheld.
 - b) PIO is directed to furnish the present status of enquiry into the complaint dated 05/05/2021 and provide appellant the inspection of records pertaining to his application dated 02/08/2021.
 - c) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission
Panaji - Goa