

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437908, 2437880 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 56/2021/SIC

Shri. Frank G. Rodrigues,
R/o House No. 1903,
Socrem, Shiroda,
Ponda Goa 403103.

..... Appellant

v/s

1) The Public Information Officer,
The Asst. Director of Social Welfare,
Panaji Goa. 403001.

2) The First Appellate Authority,
The Deputy Director (Admn.) of Social Welfare,
18th June Road, Panaji Goa 403001.

3) The Public Information Officer/
Branch Manager,
Goa State Cooperative Bank,
Shiroda Branch,
Shiroda – Goa.

..... Respondents

Filed on : 12/03/2021

Decided on : 11/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 27/11/2020
PIO replied on	: Nil
First appeal filed on	: 14/01/2021
FAA order passed on	: Nil
Second appeal received on	: 12/03/2021

ORDER

- 1) The second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act) by the appellant against respondent no. 1, Public Information Officer (PIO) and respondent no. 2, First Appellate Authority (FAA), came before the Commission on 12/03/2021. The appellant filed this appeal with prayers that PIO be directed to furnish complete information and award of compensation to the appellant for causing him hardship.

- 2) The brief facts of the appeal as contended by the appellant are that the appellant vide application dated 27/11/2020 sought some information from the PIO. Appellant did not receive reply within the stipulated period, therefore filed appeal dated 14/01/2021 before the FAA. The FAA, after hearing both the sides on 19/02/2021 orally instructed PIO to furnish the information to appellant within 15 days. The appellant did not receive the information nor the order of the FAA. Being aggrieved, he preferred second appeal before the Commission.
- 3) The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice, appellant appeared in person and filed submission dated 11/01/2022 and argued the case himself. The PIO Shri. Deu M. Gaude appeared in person and filed submission dated 02/09/2021 and reply dated 15/12/2021. The FAA appeared in person on 06/08/2021 and undertook to file a reply on queries raised by the appellant, however did not file any document on subsequent hearings.
- 4) The appellant stated that he sought information from the PIO with respect to late Shri. Antonio Olive F.X. Rodrigues, a beneficiary of financial assistance under Dayanand Social Security Scheme. The appellant contended that the said beneficiary is his relative and the financial assistance continued to be deposited in his account even after the death of the beneficiary and that some unknown person withdrew the amount from the account of the beneficiary. The appellant claimed that he has sought from PIO, the information pertaining to withdrawals from the bank account of Shri. Antonio Olive F.X. Rodrigues, the beneficiary. The appellant, in addition to this, sought information of the person, who supposedly collected the amount from the account of the beneficiary.

It is the contention of the appellant that the PIO did not furnish him the information. Later, the FAA heard the first appeal and orally directed the PIO to furnish the information within 15 days, however the appellant neither received the information, nor the FAA's order.

- 5) The PIO initially remained absent, however later appeared before the Commission and filed a submission requesting to implead the Manager, Goa State Cooperative Bank, Shiroda Branch, as the account of the said beneficiary was in the same bank. In view of this fact, the notice was issued to the Branch Manager, Goa State Cooperative Bank, Shiroda Branch, asking him to furnish the information. Accordingly, the Branch Manager, Shiroda Branch provided the information to the PIO and the same has been furnished by the PIO vide letter dated 14/12/2021 to the appellant.
- 6) The Commission has perused the records carefully and has seen that the Branch Manager, Goa State Cooperative Bank, Shiroda Branch/respondent no. 3 has furnished the information sought by the appellant. The said information includes bank account statement, documents pertaining to the nominee Shri Albano D'Sa and other relevant details. The appellant claims that the beneficiary Shri. Antonio Olive F.X. Rodrigues died in 2011, yet financial assistance under Dayanand Social Security Scheme continued to be credited to the account till 2013 and some unauthorised person withdrew the amount. However, after perusal of the reply dated 14/12/2021 filed by the PIO on 15/12/2021, it appears that the bank account of the said beneficiary was closed on 13/09/2011, after the death of the said beneficiary. The account was closed by considering nomination claim by the nominee Shri Albano D'Sa, nephew of the beneficiary. Excess

credit of Rs. 2700 was refunded to the Directorate of Social Welfare and balance of Rs. 33,407/- was claimed by the nominee on 13/09/2011. The Branch Manager/respondent no. 3 has also furnished details of the nominee and nomination, which are furnished to the appellant.

- 7) Hence, the Commission concludes that during the proceeding of this appeal, the PIOs – respondent no. 1 and respondent no. 3 have furnished the information sought by the appellant vide application dated 27/11/2020. Despite that the appellant vide submission dated 11/01/2022 has expressed dissatisfaction and made some allegations of financial irregularities against the respondents. The said allegations do not come under the purview of the Act and therefore the Commission refrains from considering the same. The appellant may raise the said matter before the relevant forum or the appropriate authority.
- 8) At the same time, the Commission expresses displeasure on the fact that neither the PIO, nor the FAA entertained the application initially. The PIO/respondent no. 1 was required to furnish the information within 30 days as mandated by section 7(1) of the Act. Also, the Act has provides statutory right to the appellant to file first appeal under section 19(1) before the appellate authority, against the denial/deemed denial of information by the PIO; and the FAA under section 19(6), is required to decide the appeal and pass an order on the same within the stipulated period. In the present matter, the appellant claims that the FAA passed oral order, however he did not receive any order from the FAA. It is noted that the FAA appeared in person on 06/08/2021, though copy of his order is neither furnished to the appellant, nor produced before the Commission.

- 9) Such a conduct on the part of PIO and FAA is deplorable and creates suspicion about the transparency in functioning of these officers. The appellant became suspicious mainly due to the fact that the PIO did not reply him and later more so since the FAA did not issue an order on the first appeal. The Act mandates the PIO and the FAA to work within the framework of the provisions and more importantly, respond the appellant within the time frame provided.
- 10) However, this being the first instance of the said PIO and FAA before the Commission and considering the fact that the information has been furnished to the appellant, the Commission takes a lenient view and exempts the PIO from penal action. As the information has been furnished to the appellant the prayer for information becomes infructuous and the appeal needs to be decided accordingly.
- 11) In view of the above discussion, the appeal is disposed as dismissed. The PIO and the FAA are directed to deal with applications and appeals respectively, filed under the Act, strictly in accordance with the law.

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

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