

GOA STATE INFORMATION COMMISSION

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

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

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 136/2022/SIC

Sebastiao R. Gomes,
H.No. 681, Vidyannagar,
Margao-Goa 403601

-----Appellant

v/s

1. The Accountant/ Public Information Officer,
Goa Commission for SC/ST,
Shram Shakti Bhavan, Gr. Floor,
Patto, Panaji-Goa.

2. Triveni Velip, Secretary/ CEO,
First Appellate Authority,
Goa Commission for SC/ST,
Shram Shakti Bhavan, Gr. Floor,
Patto, Panaji-Goa.

-----Respondents

Filed on: 19/05/2022
Decided on: 11/08/2022

Relevant dates emerging from appeal:

RTI application filed on	: 10/08/2021
PIO replied on	: 01/09/2021
First appeal filed on	: 06/09/2021
First Appellate authority order passed on	: 21/04/2022
Second appeal received on	: 19/05/2022

ORDER

1. The brief facts of second appeal filed by the appellant are that, the appellant vide application dated 10/08/2021 had sought certain information from Respondent No.1, Public Information Officer (PIO). Aggrieved with the reply dated 01/09/2021 issued by the PIO, the appellant filed appeal dated 06/09/2021 before the Respondent No. 2, First Appellate Authority (FAA). FAA vide order dated 21/04/2022 disposed the appeal, however not satisfied with the said order, the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') preferred second appeal before the Commission.
2. Notice was issued, pursuant to which appellant appeared and prayed for the information. PIO appeared on 17/06/2022 and filed an affidavit on 07/07/2022. FAA filed reply on 07/07/2022.

3. Appellant stated that, he had sought information on 3 points which was not furnished by the PIO. Information was pertaining to the scrapping of the posts of Mining Field Supervisor. Further, FAA did not dispose the first appeal within mandatory period, passed order only after the appellant filed second appeal before the Commission and the matter was remanded to the FAA by the Commission. However, not satisfied with the order of the FAA he has filed the second appeal.
4. PIO vide affidavit submitted that, information as available in the records of the authority was furnished to the appellant vide reply dated 01/09/2021. Under the Act, only such information as is available and existing and held by the public authority or under control of the public authority can be furnished and the PIO cannot create any information subsequent to the application.
5. FAA stated that, she has disposed the appeal after the matter was remanded to her by the Commission. It is held while disposing the appeal that information as is available has been furnished by the PIO. FAA further stated that the appellant is challenging the judgment passed by the Chairperson of the Goa Commission for SC/ST and the PIO as well as the FAA are not competent authority for providing remedy to the appellant.
6. Upon perusal of the records it is seen that, the appellant has requested for information on 3 points. PIO informed the appellant that the information requested pertains to the judgment passed by the Chairman of the Goa Commission for SC/ST in case no. 2/324/GCSCST/2019-20/133 and accordingly information as available has been furnished. FAA while disposing the appeal has upheld the PIO's reply.
7. It is noted from the records that the above mentioned judgment was passed on the basis of written submission made by the respondent in the said case i.e. Directorate of Mines and Geology, Panaji-Goa. The said matter comes under the purview of quasi-judicial authority of the Chairperson of the Goa Commission for SC/ST and any information pertaining to the said case is available with the said quasi-judicial authority and not the PIO of Goa Commission for SC/ST. Appellant should therefore, approach the concerned authority to get the deserved information pertaining to the proceeding of the above referred case.

8. Thus, the Commission concludes that, information sought by the appellant is not in the records of the PIO, the same has been affirmed by the PIO in her affidavit. Hence, no relief can be granted to the appellant and the appeal needs to be decided accordingly.
9. In the light of above discussion, the present appeal is disposed as dismissed and the 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