

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 232/2022/SIC**

Neeved Malik,  
H.No. 1376/17, EK-Pushp, Gopal Nagar,  
Porvorim, Bardez-Goa.

-----Appellant

**v/s**

1. Public Information Officer/ Supdt.,  
Directorate of Panchayat,  
5<sup>th</sup> Floor, Myles High,  
Patto, Panaji-Goa.

2. The First Appellate Authority/ Dy. Director,  
Directorate of Panchayat,  
5<sup>th</sup> Floor, Myles High,  
Patto, Panaji-Goa

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 09/05/2022
PIO replied on	: 20/06/2022
First appeal filed on	: 27/06/2022
First Appellate Authority order passed on	: 05/08/2022
Second appeal received on	: 04/08/2022
Decided on	: 28/11/2022

**ORDER**

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 04/08/2022.
2. It is the contention of the appellant that, the PIO furnished incomplete information, after the expiry of the stipulated period, hence he filed appeal before the FAA. Hearing of the appeal was scheduled on 15/07/2022, he remained present however, the appellate authority was not present, and the appellant was not informed regarding the further hearing. Being aggrieved, he filed second appeal before the Commission.
3. Notice was issued, pursuant to which Shri. Yeknath Malik, father of the appellant appeared on behalf of the appellant pressing for information. Smt. Neha H. Bandekar, PIO appeared in person and filed reply dated 04/10/2022, and filed affidavit on 03/11/2022. FAA was represented by Shri. Shaikh Moshin, under authority letter, filed

reply on 04/10/2022. Submission was received in the registry dated 15/11/2022, on behalf of the appellant.

4. Appellant stated that PIO has failed to furnish complete information within the time frame, hence he had approached the FAA by way of first appeal. FAA vide notice dated 12/07/2022 scheduled the hearing on 15/07/2022, however hearing was not conducted in the absence of the FAA and no intimation was received from FAA till the date of filing the second appeal. Appellant further stated that PIO and FAA have tried to hide the information, and it is proved that the records are not preserved safely in their department.
5. FAA submitted that, after having served notices to the parties, he had passed a detailed judgment vide order dated 05/08/2022. The first appeal of the appellant was disposed in accordance with the provisions of the Act.
6. PIO stated that, under Section 5 (4) of the Act the application was marked to APIO, Establishment section since the information sought was related to the said section. Information received from the APIO was furnished to the appellant vide reply dated 20/06/2022. Information on point no. 3 and 4 was not made available by the APIO. Later, as per the direction of the FAA, search was conducted, yet information on point no. 3 and 4 was not found.
7. Upon perusal of the records and statements made by the respondents, the Commission found that the appellant was not provided information on point no. 3 and 4 and as per the contention of the PIO, the said information was not found despite of detailed search of the records. This being the case, the Commission directed PIO to file affidavit on the status of the remaining information.
8. Accordingly, PIO vide affidavit filed on 03/11/2022 stated that, APIO/ Head Clerk, LDC/ Gram Sevak and other officials of Establishment section undertook search of the records in the office, however, the said information was not located, as most of the old records are destroyed by rats, ants and termites. Also, the service books of Smt. Saloni Zarpkar is in the custody of Directorate of Accounts, hence, information on point no. 3 cannot be furnished.

PIO, in the said affidavit further stated that, as regards to information on point no. 4, detail search was made by the officials of the authority and the information was not found in the concerned file. Hence, it is not possible to ascertain whether the information sought at point no. 3 and 4 was existing in the records of this office

at any point of time. PIO has made every possible effort to trace the information sought at point no. 3 and 4 and has discharged her duties in diligent and sincere manner.

9. It is seen from the contents of the affidavit that the PIO and other officials including the APIO have taken efforts to search the remaining information and stated on affidavit that she did not find the information mainly because most of the records are being destroyed by rats, ants and termites. In such a situation, the Commission finds that the remaining information on point no. 3 and 4 is not available in the records of the authority and the PIO cannot be directed to furnish something which is not available in the records.
10. However, the Commission, with all seriousness observes that PIO, being the custodian of the records, is responsible for maintaining and preserving the records in safe condition. Any information with the public authority has to be available for citizen, applying under the Act. Hence, the PIO is required to take appropriate measures to ensure safety of the records in her custody.
11. In the light of above discussion, the Commission concludes that the information on point no. 3 and 4 sought by the appellant vide application dated 09/05/2022 does not exist in the records of the PIO, hence no relief can be granted to the appellant. Thus, the present appeal is disposed accordingly 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

