

# GOA STATE INFORMATION COMMISSION

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

**Appeal No. 290/2021/SIC**

Shri. Bharat L. Candolkar,  
R/o. Vaddy Candolim,  
Bardez-Goa

....Appellant

V/s

1. The Public Information Officer(PIO)/  
The Health Officer,  
Primary Health Centre, Candolim,  
Bardez-Goa
2. First Appellate Authority (FAA),  
Director of Health Services,  
Campal, Panaji-Goa

.....Respondents

Filed on : 26/11/2021

Decided on : 17/03/2022

## **Relevant dates emerging from appeal:**

RTI application filed on	: 23/08/2021
PIO replied on	: 21/09/2021
First appeal filed on	: 23/09/2021
FAA order passed on	: 19/10/2021
Second appeal received on	: 26/11/2021

## **ORDER**

1. Aggrieved by the deemed refusal of request for information by respondent No. 1 Public Information Officer (PIO) and non compliance of the order of respondent No. 2 First Appellate Authority (FAA), appellant filed second appeal under section 19(3) of the Right to Information Act, 2005 (for short, the Act). The appeal came before the Commission on 26/11/2021.
2. It is the contention of the appellant that he did not receive information and inspection of records within the stipulated period, sought by him vide application dated 23/08/2021. Hence he filed appeal dated 23/09/2021 before the FAA. In

the meanwhile, appellant received reply from PIO, however the same was delayed and unsatisfactory. FAA, vide order dated 19/10/2021 directed PIO to allow inspection and furnish the information. Despite the clear order, PIO did not comply with the same. Thus appellant preferred second appeal with various prayers.

3. The appeal was registered and notice was sent to the concerned parties for appearance. Appellant Shri. Bharat L. Candolkar appeared alongwith his Advocate Atish P. Mandrekar. Dr. Roshan Nazareth, PIO appeared in person and FAA was represented by Smt. Preciosa Josefa das Mercedes Joao, under authority letter. PIO filed reply dated 17/01/2022, 07/02/2022 and 02/03/2022. Advocate Mandrekar argued on 07/02/2022 on behalf of appellant.
4. PIO stated that the part information belonged to another authority, i.e. Village Panchayat Candolim, therefore he transferred the application for that part to the PIO, Village Panchayat Candolim. Intimation for remaining information was sent to appellant vide letter dated 21/09/2021, however appellant did not collect the information and filed first appeal. PIO further stated that he has complied with the order of FAA by providing inspection of records and documents identified by the appellant, and the claim that PIO's office has not provided him the information, is not correct.
5. Advocate Atish P. Mandrekar, while arguing on behalf of the appellant stated that the PIO has furnished incomplete information. Advocate Mandrekar also stated that the appellant shall not insist on penal action against the PIO if remaining information is furnished by him.
6. Upon perusal of the records, submissions and arguments, it is observed that though PIO did not furnish the complete information within the stipulated period, later, after the order passed by the FAA he has provided for inspection of the records, and furnished some documents during the proceeding before the Commission. Advocate Atish Mandrekar pointed out there is some information which is yet to be furnished, to which PIO readily agreed to comply with. PIO furnished some more information on 07/02/2022 and finally on 2/03/2022, as per the directions of the Commission.

7. During the proceeding, the Commission noted that the PIO was never found in denial mode. It appears that he was not clear on the documents requested by the appellant and cooperated with the appellant by furnishing the required information whenever the lapse was brought to his notice. Finally, complete information has been furnished to the appellant and the appellant has not pressed for penal action against the PIO. Although the PIO is found guilty of furnishing the information after the stipulated period, the Commission takes a lenient view, considering the obedient approach of the PIO.
8. In the light of above discussion, the appeal is disposed with the following order.
  - a) As the information sought by the appellant vide application dated 23/08/2021 has been furnished by the PIO, the prayer for information becomes infructuous and no more intervention of the Commission is required in the matter.
  - b) The PIO is directed to deal with applications filed under the RTI Act more diligently.

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