

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 38/2022/SIC

Shri Cliffton De Souza,
Zaino, Velim
Salcete-Goa 403723

..... Appellant

v/s

The Public Information Officer (PIO),
Dalgado Konkani Academy,
Old Education Department,
2nd floor, 18th June Road,
Panaji-Goa 403001

..... Respondent

Filed on: 02/02/2022

Decided on: 06/05/2022

Relevant dates emerging from appeal:

RTI application filed on	: 17/08/2021
PIO replied on	: Nil
First appeal filed on	: 14/10/2021
FAA order passed on	: 28/10/2021
Second appeal received on	: 02/02/2022

ORDER

1. Aggrieved by non furnishing of the complete information by Respondent Public Information Officer (PIO) inspite of direction from the First Appellate Authority (FAA), appellant filed second appeal under section 19(3) of the Right to Information Act, 2005 (herein after referred to as the 'Act')
2. The brief facts of this appeal are that appellant vide application dated 17/08/2021 sought information on two points. Upon not getting the information within the stipulated period, he filed appeal before the FAA. FAA vide order dated 28/10/2021 directed PIO to furnish the information. Being aggrieved by not getting the complete information, appellant approached the Commission by way of the second appeal.

3. Pursuant to the notice, appellant and PIO appeared in person. PIO filed reply dated 12/04/2022 alongwith the enclosures.
4. Appellant stated that the information requested by him is in public domain, available with the authority, not exempted under section 8 and/or section 9 of the Act, yet not furnished by the PIO. Appellant further stated that the PIO is evading the disclosure to hide irregularities taking place in his office and hence has malafidely not furnished the information inspite of clear direction from the FAA.
5. PIO stated that the information was sent to the appellant by Registered post vide letter dated 17/09/2021, despite that he filed first appeal concealing the fact that he has received the information. PIO further stated that the information was kept ready in the office, however the appellant did not come to collect the same. That the PIO has not denied the information and he is ready to adhere with the direction of the Commission.
6. Upon perusal of the records of this case it is seen that the appellant has sought information on two points, one- expenditure account from November 2020 to July 2021 and two- certified copies of the vouchers. Though PIO contends that the information was dispatched to the appellant by Registered post, it is clear that information only under point No. 1 was furnished, hence complete information was not furnished. Aggrieved appellant filed first appeal and the FAA in his order has acknowledged the above fact and directed the PIO to furnish all the vouchers sought by the appellant under point No. 2 of his application.
7. PIO, after the disposal of the first appeal requested appellant to visit his office in order to identify the vouchers stating the said information is voluminous. However, appellant refused to visit PIO's office, and pressing for the compliance of the FAA's order, filed the second appeal.
8. The PIO is reminded of the fact that though the information is voluminous, when the same is in public domain, he is mandated to furnish that information. Non furnishing of the information by PIO invites penal action against him as provided under section 20(1) and 20(2) of the Act. However, this being the first instance in the case of the respondent PIO, the Commission does not consider invoking of the penal provision, although maintains that

the remaining information is required to be furnished to the appellant.

9. In the light of above discussion, the appeal is disposed with the following order:-

- a) PIO is directed to furnish the information under point No. 2, sought by the appellant vide application dated 17/08/2021, within 10 days from the receipt of this order, free of cost.
- b) PIO is directed to entertain applications received under section 6(1) of the Act, strictly in accordance with the law.
- 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