

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 64/2022/SIC

Shri. Jairam Atmaram Parsekar,
R/o. Govt. Police Quarters No. B-19-3,
Alto-Porvorim,
Bardez, Goa 403708

....Appellant

V/s

1. The Public Information Officer (PIO),
Awal Karkun,
Office of the Mamlatdar of Pernem Taluka,
Pernem-Goa

2. The First Appellate Authority (FAA),
The Mamlatdar of Pernem Taluka,
Pernem-Goa

...Respondents

Filed on: 22/02/2022

Decided on: 30/06/2022

Relevant dates emerging from appeal:

RTI application filed on	: 14/01/2021
PIO replied on	: Nil
First appeal filed on	: 01/03/2021
FAA order passed on	: 15/11/2021
Second appeal received on	: 22/02/2022

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 14/01/2021 filed under section 6(1) of the Right to Information Act, 2005 (for short, the 'Act') had sought certain information from Respondent No. 1, Public Information Officer (PIO). Appellant did not receive any reply within the stipulated period, hence filed appeal dated 01/03/2021 before Respondent No. 2, First Appellate Authority (FAA). FAA disposed the appeal vide order dated 15/11/2021. Being aggrieved, the

appellant approached the Commission by way of the second appeal.

2. Pursuant to the notice, Shri. Aditya Kamat, PIO and Awal Karkun appeared in person and filed reply dated 22/04/2022 and additional reply dated 27/04/2022. Shri. Kamat filed reply of the FAA on 27/04/2022. Appellant, after appearing in person on 06/04/2022 stopped attending the proceeding, neither filed any submission, not even collected copy of reply of the respondents.
3. It is the contention of the appellant that PIO has not furnished him the requested information and later the FAA failed to issue him certified copy of the order passed on 15/11/2021, inspite of repeated requests and reminders.
4. FAA stated that the appellant has purposely not collected the order passed by the authority and by writing various letters and email, has only created documents to harass the authority by using the same before the Commission. FAA further stated that the PIO had furnished the available information before him during the proceeding of first appeal, hence no injustice is caused to the appellant. Similarly, information sought at Point No. 2 and 3 is pertaining to his mutation case, the said mutation case is at initial stage and the objection raised in mutation is still not cleared by the appellant. As a consequence mutation proceeding has not yet started, hence the information on Point No. 2 and 3 is nil, and the appellant, being the applicant is aware of the said fact.
5. PIO stated that though he could not furnish the available information within the stipulated period due to Covid-19 Pandemic, subsequently the information as available, was furnished before the FAA, however appellant has not collected

the same and later filed the second appeal before the Commission. This shows that the intention of the appellant was not to seek information, but to cause harassment to the respondents. PIO further stated that the appellant is aggrieved by non-deciding of the mutation, pending before the Mamlatdar, however the said grievance is required to be raised before the appropriate platform and not before the Commission.

6. After careful perusal of the records, it is seen that the appellant has sought information vide application dated 14/01/2021, on three points pertaining to his application for mutation dated 03/09/2020. It is observed from the reply of the respondents that the appellant had filed application for mutation dated 03/09/2020 before the Mamlatdar of Pernem Taluka, who is the FAA/ respondent No. 2 in the present appeal proceeding. The mutation proceeding has not yet commenced due to the reasons stated by the FAA and therefore PIO is unable to furnish the requested information. However, the mutation proceedings are not within the jurisdiction of the Commission hence, the prayer of the appellant for directions to be issued to the respondents to dispose off the mutation application cannot be entertained by the Commission.

7. The Commission also observes that the appellant, inspite of being aware that his application for mutation is still pending before the Mamlatdar of Pernem, has requested for copy of order/judgement and copy of the roznama/proceeding sheet from the PIO. The appellant vide his application dated 14/01/2021 has knowingly requested for the information which does not exist. It is also noted that the appellant who is a regular litigant and regularly appears in person before the Commission, stopped appearing in the current proceeding when the PIO brought the facts of the case before the Commission.

Hence, the Commission concludes that the appellant is well aware of the fact that the information requested by him on Point no. 2 and 3 of his application is not available with the PIO and that the information as available with respect to the said application has been furnished by the PIO before the FAA during the proceeding of first appeal, which he is required to collect from the FAA or the PIO. In such a situation the prayer of the appellant for imposing penalty on the PIO needs to be rejected.

8. In the light of above discussion the Commission finds no merit in the current appeal. Hence the 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