

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 70/2021/SIC

Shri Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11, Khorlim,
Mapusa-Goa, 403507

..... Appellant

v/s

1. The Public Information Officer (PIO),
Mapusa Municipal Council,
Mapusa-Goa, 403507

2. The First Appellate Authority (FAA),
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa, 403507

..... Respondents

Filed on : 22/03/2021

Decided on: 11/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 12/10/2020
PIO replied on	: Nil
First appeal filed on	: 16/11/2020
FAA order passed on	: 28/01/2021
Second appeal received on	: 22/03/2021

ORDER

1. The brief facts of this appeal are that the appellant under section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the Act) vide application dated 12/10/2020 sought certain information from respondent No. 1 Public Information Officer (PIO). Upon not receiving any reply from PIO within the stipulated period, he filed appeal dated 16/11/2021 before respondent No. 2 First Appellate Authority (FAA). The appeal was disposed by FAA vide order dated 28/01/2021 directing PIO to furnish the information within 30 days. However, appellant received no information and being aggrieved, preferred second appeal before the Commission.

2. The concerned parties were notified and the matter was taken on board for hearing. However neither the appellant nor the PIO appeared initially. After much delay, both the appellant as well as the PIO appeared in person. PIO filed reply dated 21/03/2022 whereas appellant argued on the same day praying for information.
3. PIO stated that he had issued memorandum to the deemed PIO to furnish the information to the appellant, however no action was taken by the deemed PIO. Subsequently he is now transferred from the Mapusa Municipal Council and has no access to the information available in the said office. PIO further stated that vide letter dated 30/12/2021 he has requested the Chief Officer of Mapusa Municipal Council to grant permission for access to the files pertaining to the present appeal. Hence PIO is unable to proceed in the matter since he does not have access to the concerned files.
4. Appellant argued that the PIO has evaded disclosure of the information and has failed to comply with the directions of FAA, amounting to denial of the information. Appellant further requested the Commission to direct the PIO to furnish the information sought by him.
5. Upon perusal of the available records of this appeal, it appears that the information sought by the PIO is pertaining to some representations submitted by him to the Mapusa Municipal Council. PIO has not furnished the information inspite of directions from the FAA. However, the information sought is general in nature and the same is not eligible for exemption under section 8 and/or 9 of the Act, hence the same needs to be furnished to the appellant. Nonetheless, it has been brought to the notice of the Commission by PIO that he is transferred from the Mapusa Municipal Council and does not have access to the relevant files pertaining to the information.
6. In such situation the Commission concludes that the information requested by the appellant has to be furnished to him, although the then PIO is transferred elsewhere. This being the case, the present PIO can be entrusted with the responsibility of furnishing the information and the then PIO deserves to be deplored for not furnishing the information within the stipulated period.

7. In the light of above discussion, the Commission passes the following order:-

- a) The present PIO is directed to furnish the information sought by the appellant vide application dated 12/10/2020, within 30 from the receipt of this order free of cost.
- b) The then PIO Shri. Vyankatesh Sawant is directed to be more diligent while dealing with application received under section 6(1) of the Act.
- 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