

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 06/2022/SIC

Maria Leena Da Cunha,
H. No. 100/A, Opp. St. Ana Church,
Santana-Talaulim,
P.O. Goa-Velha, Tiswadi-Goa, 403108

..... Complainant

V/s

1. The Public Information Officer (PIO),
Village Panchayat
Curca/Bambolim/Talaulim,
Curca-Goa
2. First Appellate Authority (FAA),
Block Development Officer (BDO),
Tiswadi, Goa

.....Opponents

Filed on : 25/02/2022

Decided on: 27/05/2022

Relevant dates emerging from Complaint:

RTI application filed on	: 01/11/2021
Application transferred on	: 05/11/2021
PIO replied on	: 07/12/2021
First appeal filed on	: 20/12/2021
FAA order passed on	: 03/02/2022
Complaint received on	: 25/02/2022

ORDER

1. The brief facts of this complaint are that the complainant vide application dated 01/11/2021 had sought certain information from Public Information Officer (PIO), Block Development Office, Tiswadi. The said PIO vide letter dated 05/11/2021 transferred the application to Opponent No. 1 Public Information Officer (PIO). Aggrieved by the reply of the PIO, complainant filed appeal dated 20/12/2021 before Opponent No. 2 First Appellate Authority (FAA), which was disposed on 03/02/2022. Subsequently the Commission received a complaint dated 25/02/2022 from the complainant.
2. Notice was issued to both the sides and the matter was taken up for hearing. Complainant appeared in person whereas Advocate

Oswald Fernandes represented the PIO and filed a reply dated 26/04/2022.

3. Complainant stated that the RTI matter is time bound, yet PIO did not furnish information on most of the points, also the reply was received after the expiry of stipulated period. With this complainant pressed for award of compensation and penalty to be imposed on the PIO.
4. Advocate Oswald Fernandes stated on behalf of the PIO that the complainant has not stated how she is prejudiced by the order of the FAA. Advocate Fernandes further contended that complainant has stated that the Opponent No. 2 has passed an order No. 18/2021-22, however the PIO was never a party to appeal no. 18/2021-22 before FAA, based on which, according to the complainant, the present complaint has been filed.
5. Advocate Fernandes, while arguing on behalf of the PIO further contended that the FAA had directed the PIO to allow the inspection to the complainant within ten days. However instead of approaching PIO for inspection, complainant filed this complaint before the Commission. Complainant has not pointed out any grievance against the order of the FAA, hence the complainant is not prejudiced by the FAA's order and therefore, the present complaint is frivolous.
6. On perusal of the records of this matter, it is seen that the complainant had asked for information on 16 points and the PIO vide reply dated 07/12/2021 informed her that the information, except point no. 4, 6, 13 and 14, is not available in the office. Later FAA vide order dated 03/02/2022 directed PIO to provide for inspection of documents to the complainant within ten days. However, the complainant did not approach PIO's office for the inspection. In addition to this, the complainant in her complaint, has not raised any grievance against the FAA's order and has only pressed for penal action against the PIO.
7. Hon'ble High Court of Bombay at Goa in the matter of A. A. Parulekar V/s Goa State Information Commission has held that PIO should be penalised only if his action is akin to criminal conduct, which is not the case in the present matter. Hence the Commission finds that the complainant has failed to raise any grievances against the opponents and has not substantiated her prayers of imposing penalty and award of compensation, with valid grounds.

8. In the light of above discussion, the Commission concludes that the present complaint is bereft of merit. Thus the complaint 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