

GOA STATE INFORMATION COMMISSION

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

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Appeal No. 357/2023/SCIC

Sushant P. Nagvenkar,
House No. C-312, Fonduvem,
Ribandar-Goa.

---Appellant

V/s

1. Dr. Sunita Arlekar,
Public Information Officer,
Urban Health Centre,
Panaji-Goa.

2. Dr. Geeta Kakodkar,
The First Appellate Authority,
Directorate of Health Services,
Campal, Panaji-Goa.

---Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Dated: 02/01/2025

FACTS IN BRIEF

1. Shri. Sushant P. Nagvenkar filed an application dated 27/06/2023 under RTI Act, 2005 to the PIO, Urban Health Centre, Panaji seeking following information pertaining to Annapurna Bar and Restaurant, H. No. 66, Near Old GMC, Ribander :
 - a. *"Details of the medical fitness certificates issued to the food handlers and record of process followed.*
 - b. *Details of the inspections, if any, carried out by the Authority on the premises and reports thereto.*
 - c. *Details of Statutory Permissions/ renewals/ no objections issued by this Authority.*
 - d. *Details of communication held by this Authority with other Authorities and vice versa.*
 - e. *Details of all the complaints received, if any".*

2. In response to this RTI application PIO (Health Officer, UHC, Panaji) vide letter dated 26/07/2023 replied to the Appellant as under -

"The information sought by you, under points of your application is ready herewith and the information sought by you can be collected from this office by paying necessary fees on any working day".

3. Appellant filed first appeal dated 27/07/2023 before the First Appellate Authority stating that he has not received any reply to his RTI application till date. Appellant prayed for direction to the Respondent, PIO to -

- a. State reason for the deemed refusal of information.
- b. Furnish the requested information and certified copies of documents free of cost.

4. As per the materials/documents attached with the second appeal, PIO, Urban Health Centre, Panaji vide letter dated 09/08/2023 intimated the First Appellate Authority that information to the RTI application dated 27/06/2023 was ready by 26/07/2023 and the same was intimated to the applicant via Registered post with AD.

The reply furnished the 6 points RTI queries of the Appellant is as under:

- A- No such information/ document of record are available in the office.
- B- Certified copy of Inspection is attached.
- C- Certified copy of NOC is attached.

5. The First Appellate Authority (Director of Health Services) vide Order dated 21/08/2023 dismissed the first appeal with the following Judgment :

"The First Appellate Authority does not find any reasons/ground to interfere in the matter as the information asked for and as available has already been furnished to the Appellant by the Respondent PIO".

6. Appellant then preferred second appeal dated 04/10/2023, before the Commission praying for direction to the Respondent PIO to provide inspection of documents to the Appellant and further provide certified copies of the documents free of cost, in accordance to his RTI request dated 27/06/2023 and initiate penal as well as administrative action against Respondent No. 1 (Respondent PIO), u/s 20 and 21 of the RTI Act, 2005.

7. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 27/11/2023 for which Appellant and Respondent PIO present. Representative of the First Appellate Authority appeared with authority letter. Copy of the appeal memo served to the PIO and the matter fixed for further hearing on 11/01/2024.
8. When matter took up for hearing on 11/01/2024, Appellant and Respondent PIO present. First Appellate Authority's representative placed on record the reply of First Appellate Authority and the same duly furnished to the Appellant.
9. In the reply dated 15/01/2024, First Appellate Authority submitted that -
 - a) Despite the court fee stamp being not affixed, First Appellate Authority has processed and decided the first appeal filed by the Appellant.
 - b) Notice for hearing before the First Appellate Authority was duly issued to the Appellant.
 - c) On the date of hearing, the First Appellate Authority did not receive any intimation from the Appellant about his absence for the hearing. Hence there was no reason to adjourn the hearing further.
 - d) It is learnt from the Respondent PIO that the reply/information has been furnished to the Appellant and accordingly, first appeal was dismissed.
10. When the matter called out on 08/02/2024, Appellant filed rejoinder dated 08/02/2024 to the replies filed by Respondent No. 1 and 2.
11. Matter was not taken for hearing from March 2024 to September 2024 as the posts of SCIC and SIC remained vacant during this period.
12. Matter then took up for hearing before the SCIC on 29/10/2024 for which Appellant present and representatives appeared for Respondent PIO and FAA. Representative of the PIO submitted before the Commission that he is ready to provide inspection of the concerned

files to the Appellant next week. During the next hearing on 11/11/2024, Representative of the PIO sought two week's time to trace the concerned file for inspection.

13. Respondent PIO vide letter dated 18/11/2024 informed the Appellant that the NOC file of M/s. Annapurna Bar and Restaurant is available for inspection at Urban Health Centre, Panaji between 10.30 a.m. and 11.30 a.m. on 21/11/2024.
14. Respondent PIO vide letter dated 18/11/2024 informed that the NOC file of M/s. Annapurna Bar & Restaurant, Ribandar is available for inspection at Urban Health Centre, Panaji between 10.30 a.m. to 11.30 a.m.
15. Matter called out for hearing on 29/11/2024 for which Appellant and Respondent PIO present. Appellant informed the Presiding Commissioner that he had visited the office of the Respondent PIO twice and both the occasions Respondent PIO was busy.
16. Matter heard on two more occasions and final hearing was held on 02/01/2025.

DECISION

- i. **Commission has come to the conclusion that as desired by the Appellant, Respondent PIO allowed Appellant to have a physical inspection of the file pertaining to Annapurna Bar & Restaurant, Ribandar on 21/11/2024. However, Appellant brought the poor state of record management by the office of the Respondent PIO into the notice of the Commission.**

Commission is of the view that poor record management in the public authorities is the prime obstacle to the dissemination of information from the public authorities to the information seekers.

DIRECTIONS TO THE DIRECTOR OF HEALTH SERVICES

ii. Director of Health Services, Goa is directed to immediately review the prevailing record maintenance mechanism in the office of the PIO (UHC, Panaji) and file a compliance report on the existing record management system and steps to be taken to streamline the record management system enabling the information seekers to avail the requisite information without any barriers within 15 days from the receipt of the order.

- Proceeding in the matter stand closed.
- Notify the parties.

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/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC