

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 219/2023/SCIC

Mathew Paulo D'Souza,
H.No. 6/223 C, Khobra Vaddo,
Calangute, Bardez-Goa 403516.

-----Appellant

V/S

The Public Information Officer,
Office of the Assistant Engineer,
Sub Div-III, Works Division V (Bldg North),
Public Works Department,
Mapusa-Goa 403507.

-----Respondent

Shri. Vishwas Satarkar

State Chief Information Commissioner

Filed on: 21/06/2023

Decided on: 23/08/2023

ORDER

1. The Appellant, Mathew Paulo D'Souza r/o. H. No. 6/223 C, Khobra Vaddo, Calangute, Bardez-Goa vide his application dated 09/11/2022, filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought certain information from the Public Information Officer, (PIO), Office of Executive Engineer, Works Division-V (Bldg), Public Works Department, St. Inez, Panaji-Goa.
2. The office of the Executive Engineer, W.D-V (Bldg North), P.W.D. forwarded the said application to the Assistant Engineer, Sub-Division-III, Works Div-V (BN), PWD, Mapusa-Goa on 17/11/2022 under Section 5(4) of the Act.
3. The said application was responded by the PIO on 13/01/2023 through Registered Post in the following manner:-

"With reference to the above, it is informed by the Asst. Engineer, Sub-Divn-III, WD-V (BN), PWD, Mapusa-Goa, that the document sought by you are not traceable in his office."

4. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Office of Superintending Surveyor of Works, PWD, Altinho, Panaji-Goa on 06/01/2023, being the First Appellate Authority (FAA).
5. The FAA vide its order dated 29/03/2023 partly allowed the first appeal and directed the PIO to file FIR/ MAR (Missing Article Report) as the concerned file is missing from the records of the public authority and also directed to handover the copy of the FIR to the Appellant.
6. Since the PIO failed and neglected to comply with the order of the FAA dated 29/03/2023, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act, with the prayer to provide him the copy of FIR/ MAR and other reliefs.
7. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 08/08/2023, the APIO, Shri. Laxmikant Gadkar , Assistant Engineer-III of Sub-Division-III, Works Division-V (Bldg North), PWD, Mapusa-Goa appeared and submitted that he tried to locate the information, however inspite of all his efforts, he could not trace the relevant file. He further submitted that he has filed FIR/MAR before the Police Station, Mapusa-Goa for missing of the file. The Commission directed the APIO to produce on record the copy of an FIR/MAR on next date of hearing and the matter was posted for compliance on 23/08/2023.
8. In the course of hearing on 23/08/2023, the APIO, Shri. Laxmikant Gadkar appeared and submitted that he has already filed an FIR/ MAR before the Police Inspector, Mapusa Police Station on 21/08/2023 and to substantiate his claim he produced on record the copy of an FIR/MAR dated 18/08/2023 with the acknowledgement of Mapusa Police Station, same is taken on record, duly furnishing copy to the Appellant.

9. The Appellant has received the copy of FIR/MAR dated 18/08/2023 lodged by Assistant Engineer-III, Shri. Laxmikant Gadkar and submitted that he is satisfied with the reply of the APIO and that he does not wish to proceed further in the matter, he also made endorsement on appeal memo that "I don't want to proceed with the matter."

10. In view of the above endorsement made by the Appellant, the matter is disposed off.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner,