

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

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Appeal No. 269/2022/SCIC

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

.....Appellant

V/S

1. The Public Information officer,
Office of the Goa Board of Indian
System of Medicines & Homeopathy,
T.B. Cunha Hospital Campus,
Margao-Goa.

2. The First Appellate Authority,,
Office of the Goa Board of Indian
System of Medicines & Homeopathy,
T.B. Cunha Hospital Campus,
Margao-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 19/10/2022

Decided on: 17/07/2023

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa vide his application dated 27/06/2022 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), Goa Board of Indian System of Medicines and Homeopathy, Monte Hill, Margao-Goa.
2. Since the said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant filed first appeal before the First Appellate Authority (FAA) of Goa Board of Indian System of Medicines and Homeopathy, Monte Hill, Margao-Goa.

3. Since the FAA also failed and neglected to hear and dispose the first appeal within statutory period, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act.
4. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 05/12/2022. In spite of valid service of notice, the PIO and FAA failed to appear before the Commission.
5. On perusal of records, it can be seen that, the Appellant has filed application under Section 6(1) of the Act on 27/06/2022 through Registered Post.
6. Section 7(1) of the Act requires that the PIO to dispose the request of the information seeker within stipulated period of 30 days. However, in this case the PIO failed to respond to the RTI application, without any reasonable cause and also failed to appear before the Commission despite sufficient opportunities.
7. Under the Act, the PIO is a designated officer of the department who is responsible to ensure compliance with the provisions of RTI Act. The PIO has a duty to deal with the applications received from the citizens for furnishing the information within the stipulated time.
8. In this case, the PIO has failed to discharge his duty which amounts to abuse of process of law and also nothing but wilful denial of information.
9. The High Court of Bombay, Goa bench in the case **Johnson B. Fernandes v/s The Goa State Information Commission & Anr. (2012 (1) ALL MR 186)** has held that, law contemplates supply of information by the PIO to party who seeks it, within the stipulated time, therefore where the information sought was not supplied within 30 days, the imposition of penalty upon the PIO was proper.

10. Considering the ratio laid down by the various High Courts, the Commission comes to the conclusion that, it is a fit case for imposing penalty under Section 20 of the Act against the PIO. However, before any penalty is imposed, the principle of natural justice demands that an explanation be called for from the concerned PIO, as to why he failed to discharge the duty cast upon him as per the RTI Act. I therefore pass following:-

ORDER

- The Appeal is allowed.
- The PIO, Goa Board of Indian System of Medicines & Homeopathy, Monte Hill, Margao Goa is hereby directed to furnish parawise reply / information to the Appellant as per his RTI application dated 27/06/2022 within the period of **FIFTEEN DAYS** from the date of receipt of the order.
- The PIO, Goa Board of Indian System of Medicines & Homeopathy, Monte Hill, Margao Goa is hereby directed to show cause as to why penalty should not be imposed on him in terms of Section 20(1) and / or recommend for disciplinary proceeding against him terms of Section 20(2) of the Act.
- The reply to the show cause notice to be filed on **31/08/2023 at 10:30 am.**
- The appeal disposed accordingly.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner