

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

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website: www.gsic.goa.gov.in

Appeal No. 57/2022/SCIC

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

.....Appellant

V/S

1. The Public Information Officer,
Awal Karkun (Yogita B. Velip),
O/o. The Mamlatdar of Bardez,
Mapusa, Bardez-Goa 403507.

2. The First Appellate Authority,
The Mamlatdar of Bardez,
Mapusa, Bardez-Goa 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 21/02/2022

Decided on: 13/02/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward no. 11, Khorlim, Mapusa-Goa vide application dated 22/11/2021 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office of Mamlatdar of Bardez, Mapusa-Goa.
2. The said application was responded by the PIO on 16/12/2021 in the following manner:-

"With reference to your application dated 22/11/2021 on the above cited subject, it is informed that the representation dated 06/02/2018, thorough check has been done wherein your representation is not traceable; Hence, once the said letter is located, information will be issued."

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal on 27/12/2021 before the Mamlatdar of Bardez, Mapusa-Goa being the First Appellate Authority (FAA).
4. Since the FAA failed and neglected to hear and dispose the first appeal within the stipulated time, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
5. Notices were issued to the parties, pursuant to which the PIO, Ms. Yogita Velip appeared and filed her reply on 04/05/2022. The FAA duly served opted not to remain present in the matter.
6. During the pendency of the proceeding the PIO, Ms. Yogita Velip appeared on 13/06/2022 and submitted that she has been transferred from the office of Mamlatdar of Bardez accordingly the matter fixed for the appearance of the new PIO.
7. The incumbent PIO, Shri. Rupesh Kerkar appeared on 23/09/2022 and submitted that, in the course of searching the relevant file he found one tapal earmarked in the name of Shri. Ashok Naik, the then UDC of the Mamlatdar of Bardez by inward No. 2437 dated 06/02/2018. However, he was subsequently transferred to the office of Collectorate at North Goa, Panaji-Goa. Being so he requested the office of Collector North to depute Shri. Ashok Naik to locate the relevant records and to support his claim he produced on record the letter dated 22/09/2022 addressed to Collectorate North Goa at Panaji-Goa.
8. According to the PIO, consequent to his request, Shri. Ashok Naik presently working in the office of Collector North Goa visited the office of Mamlatdar of Bardez, however inspite of a thorough search he could not locate the said file and to support his

contention he placed on record the letter dated 14/12/2022 submitted by Shri. Ashok G. Naik.

9. Since the said information is not available in the records of public authority, under Rule 5(1) of the Goa State Information Commission (Appeal Procedure) Rules 2006 the Commission directed the PIO to file an affidavit to that effect.

10. Accordingly today in the course of hearing i.e. on 13/02/2023, the PIO Shri. Rupesh Kerkar appeared and filed his Affidavit dated 10/02/2023. I have perused the Affidavit, in the said Affidavit the PIO categorically submitted on oath that, he thoroughly searched the records and the said information is not available in the records of the public authority.

11. Since the information is not available in the records, this Commission cannot issue any direction to the PIO to furnish non-existing information. Needless to say that in case at any time the content of the said affidavit are found false, the person swearing it, would be liable for action for perjury. In view of the above, the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner