

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 12/2023/SIC

Shri. Nilesh Raghuvir Dabholkar,
R/o. H.No. 275/2 (New), Dabholwada,
Chapora, Anjuna, Bardez-Goa.

----Appellant

v/s

1. Public Information Officer,
Awal Karkun,
Office of Mamlatdar of Bardez Taluka,
Mapusa, Bardez-Goa 403507.

2. The Mamlatdar of Bardez Taluka,
First Appellate Authority,
Mapusa, Bardez.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 18/07/2022
PIO replied on	: Nil
First appeal filed on	: 22/09/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 09/01/2023
Decided on	: 24/04/2023

ORDER

1. Being aggrieved by non furnishing of the information sought under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') and non hearing of the appeal filed under Section 19 (1) of the Act, appellant under Section 19 (3) of the Act filed second appeal against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), which came before the Commission on 09/01/2023.
2. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice, Shri. Rupesh Kerkar, PIO appeared and requested for time to file reply, later filed reply dated 13/04/2023. Appellant appeared in person and prayed for the information.
3. PIO stated that, upon the receipt of the application he had forwarded the same to the concerned dealing clerk who was holding the charge of Devasthan matters and the dealing clerk vide reply dated 03/08/2022 has stated that there is no such correspondence by members i.e. President, Attorney, Secretary of Shri Sidheshwar Devasthan, filed in the office of the Administrator of Devalaya from

01/04/2000 till date. Therefore, no such information as sought by the appellant exists in the records of the PIO.

4. Upon perusal of the records of this matter it is seen that the appellant had sought for certified copy of correspondence of the Managing Committee Members of Shri Sidheshwar Devasthan expressing their inability, filed in the office of the Administrator of Devalayas from 01/04/2000 till the date of application. PIO initially had not replied to the appellant, however, it is noted that the PIO, upon receipt of the request had forwarded the same to Shri. Dattaprasad A. Kakatkar, Head Clerk. Shri. Dattaprasad A. Kakatkar vide letter dated 03/08/2022 informed the PIO that there is no such correspondence showing inability from members i.e. President, Attorney, Secretary of Shri. Sidheshwar Devasthan, filed in the office of the Administrator of Devalayas, from 01/04/2000 till date. Accordingly, PIO has provided the copy of the said letter before the Commission, alongwith his reply.
5. This being the case, it is clear that the information sought by the appellant does not exist, since the same was never part of the records of the PIO. Thus, the PIO cannot be directed to furnish the information sought by the appellant vide application dated 18/07/2022.
6. However, the Commission takes serious note of the fact that the application was not replied by the PIO as required under Section 7 (1) of the Act, within the stipulated period. Similarly, the first appeal filed by the appellant was not heard by the FAA. FAA under Section 19(6) of the Act is required to dispose the appeal within maximum of 45 days from the receipt of the same. In the present matter PIO, Awal Karkun of the Office of the Mamlatdar and FAA, Mamlatdar of Bardez Taluka are senior officers, expected to know the provisions of the Act and any failure to honour the Act is considered as de-reliction of duty. Thus, both the officers are warned hereafter to honour the provisions of the Act.
7. In the background of the facts as mentioned above, the Commission finds that the information sought by the appellant vide application dated 18/07/2022 does not exist in the records of the PIO, thus, no relief can be granted to the appellant and the instant appeal is required to be disposed.
8. Hence, the appeal is disposed accordingly 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.