

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 212/2023/SIC

Shri. Narayan Datta Naik,
H. No. 278/1 (3),
Savorfond, Sancoale,
403710.

-----Appellant

v/s

Mr. Orville C. Vales,
Public Information Officer,
Village Panchayat Sancoale,
Pin code No. 403710.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 13/02/2023
PIO replied on	: 18/03/2023
First appeal filed on	: 11/04/2023
First Appellate Authority order passed on	: 08/05/2023
Second appeal received on	: 13/06/2023
Decided on	: 11/09/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent Shri. Orville C. Vales, Public Information Officer (PIO), Village Panchayat Sancoale, came before the Commission on 13/06/2023.
2. The brief facts of this appeal as contended by the appellant are that, the appellant was provided incomplete information by the PIO (within the stipulated period), hence, he filed first appeal before the First Appellate Authority (FAA), Block Development Officer of Mormugao Taluka. The FAA while disposing the first appeal directed the PIO to furnish the information within 15 days. Appellant further contends that, the said order was not complied by the PIO and being unaware of any evil motive of the PIO in avoiding compliance, he has appeared before the Commission by way of second appeal, seeking remaining information.
3. The concerned parties were notified and pursuant to the notice, appellant appeared pressing for complete information and appropriate action against the PIO. None appeared on behalf of the

PIO during the proceeding, however, reply on behalf of the PIO was received in the entry registry dated 08/09/2023.

4. PIO vide reply dated 08/09/2023 stated that the appeal as per reasons as stated in the memo of appeal itself is not maintainable and hence deserves to be dismissed.
5. Appellant submitted that, the PIO has deliberately furnished incomplete information and intentionally avoided disclosure of the complete information. Further, the PIO has neither furnished the information in compliance with the order of the FAA nor challenged the said order. Thus, the PIO has to furnish complete information. That, he is seeking the information in public interest, in order to expose corrupt practices and wrong procedures prevailing in the Panchayat office. Hence, he prays for information and also penal action against the PIO.
6. Upon perusal of the available records of the present matter, it is seen that, Smt. Asha S. Mesta, the then PIO had furnished the appellant information on all eight points, however, the appellant is aggrieved by the PIO's reply on point no. 7 of the application. The information sought on point no. 7 is required to be available in the records of the PIO, hence, the same needs to be provided to the appellant.
7. It is noted that, by the time the first appeal was filed by the appellant, Smt. Asha S. Mesta was transferred and Shri. Orville C. Vales took charge as PIO/Secretary of Village Panchayat Sancoale. The FAA vide order dated 08/05/2023 directed the PIO to furnish the remaining information, yet, the direction was not complied.
8. Shri. Orville C. Vales, the present PIO failed to appear before the Commission to justify non compliance of the direction of the FAA. It is seen from the records that the PIO vide his reply submitted in the Registry, has contended that, the appeal is not maintainable; however, has not substantiated the said contention. Therefore, the Commission dismisses the contention of the PIO and allows the appeal. Hence, the PIO cannot be absolved from the responsibility of furnishing the remaining information and appropriate direction has to be issued to the present PIO.
9. In the background of the facts of the matter as mentioned above the present appeal is disposed with the following order:-

- a) The PIO is directed to furnish information on point no. 7 sought by the appellant vide application dated 13/02/2023, within 10 days from receipt of the order, free of cost.
- b) All other prayers are rejected.

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.