

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 34/2023/SIC

Mr. Avelino Menino Furtado,
A-204 Allan Villa, Kalina Church Road,
Kalina, Santa Cruz (E), Mumbai 400029.

-----Appellant

v/s

1. Shanti Makwana Harding,
Section Officer/ P.I.O.,
Department of Public Grievances,
Secretariat, Porvorim-Goa 403521.

2. Anju S. Kerkar,
First Appellate Authority/ Joint Secretary,
General Administration Department,
Secretariat, Porvorim-Goa 403521.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 24/02/2022
PIO replied on	: 02/03/2022
First appeal filed on	: 24/09/2022
First Appellate Authority order passed on	: 21/10/2022
Second appeal received on	: 25/01/2023
Decided on	: 12/06/2023

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 No. 1, Smt. Shanti Makwana Harding, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 25/01/2023.
2. The brief facts of this matter are that the appellant had sought certain information from the PIO and being aggrieved by the reply of the PIO, he filed appeal before the FAA. Further, without allowing the FAA to decide the matter as provided under Section 19 (6) of the Act, appellant under Section 18 of the Act filed complaint before the Commission. The said complaint was disposed vide order dated 29/07/2022 allowing the appellant to file first appeal under Section 19 (1) of the Act before the FAA. Accordingly, appellant filed first appeal and the same was dismissed by the FAA vide order dated 21/10/2022. Being aggrieved by the stand of the PIO and dismissal of first appeal by the FAA, appellant has appeared before the Commission by way of second appeal.

3. Notice was issued to the concerned parties pursuant to which appellant appeared in person and filed submission on 28/02/2023 and 04/05/2023. More submissions from the appellant were received in the entry registry dated 28/04/2023 and 12/05/2023. Smt. Shanti Makwana Harding, PIO appeared in person and filed reply on 28/02/2023. Another submission from PIO was received in the entry registry on 03/05/2023. Smt. Anju S. Kerkar, FAA appeared in person.
4. Appellant stated that the PIO had applied irrelevant sections of the Act in order to deny the information sought by him. Also, PIO unnecessarily transferred his application to the office of Collector (South), Margao Goa, which has caused mental harassment to him Appellant further submitted that, the PIO has not justified her action of not furnishing the information, hence, he prays for imposing penalty against her, initiating enquiry of her denial and direction to the PIO to pay compensation to the appellant.
5. Appellant further stated that, the FAA in her order while disposing the first appeal has relied on irrelevant sections of the Act and has not considered appellant's submissions filed before her during the proceeding of first appeal.
6. Appellant further stated that, he requests the Commission to direct the office of the Collector (South), Margao Goa to redress his grievance with respect to correction of his and other names in Form I and XIV and Sanad, since the matter of the said correction has not resolved in the past.
7. PIO stated that, the appellant had lodged his grievance before the PMO Portal on 16/01/2019 in regard to non correction of form I & XIV and relevant Sanad. The said grievance was forwarded on 05/02/2019 to the appropriate authority, that is the Collector (South). The public authority in the instant matter does not maintain the records of the other Government Departments/ Organisations which are dealt by the respective authority. PIO further submitted that she had taken appropriate action and had informed the appellant. Hence, the question of holding back any information does not arise.
8. PIO further stated that, as per the records available in her office and with reference to the correspondence available in her office, the relevant information as sought by the appellant is held in the office of Deputy Collector (Rev) and SDO II of South Goa Collectorate and the said authority had called the appellant for inspection of the relevant

files and the appellant had already filed first appeal before the Additional Collector, South (FAA).

9. The Commission has perused the appeal memo, submissions of the appellant, replies filed by the PIO and has heard arguments of both the sides. Upon careful perusal it is seen that, the information sought by the appellant pertains to his grievance registered on PMO Portal on 16/01/2019. The office of the PIO, Department of Public Grievance is a cell instituted in the Secretariat, by Government of Goa to receive grievances of public on the Prime Minister's Office Portal called Centralized Public Grievance Redress And Monitoring System (CPGRAMS). The grievance registered on 16/01/2019 by the appellant was forwarded by the Public Grievance Department to the appropriate authority, i.e. office of the Collector (South) vide letter dated 05/02/2019.
10. With this it is clear that, the said grievance was transferred to the office of the Collector (South) by the office of the PIO in the present matter, i.e. Department of Public Grievance, Government of Goa. The PIO/ authority has no jurisdiction to take any action on the said grievance hence, the PIO cannot hold any information on the request filed by the appellant vide application dated 24/02/2022.
11. In the background of these observations, the Commission finds no wrong in the action taken by the PIO. Similarly, the FAA had upheld action taken by the PIO and had dismissed the first appeal vide order dated 21/10/2022. The Commission upholds the said order, since the same has been passed in accordance with the provisions of the Act.
12. Alongwith the information, appellant has prayed for penal action against the PIO, compensation and quashing of order of the FAA. However, with the findings as mentioned above, the Commission concludes that there is no merit in these prayers, hence, the appellant cannot be granted any relief. Similarly, appellant has prayed for direction to the office of the Collector (South) to redress his grievance, that is the correction of Form No. I & XIV and relevant Sanad For want of jurisdiction, no such relief can be granted to the appellant.
13. In the light of above discussion, the Commission concludes that the present appeal is devoid of merit, thus the same is disposed as dismissed.

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.