

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 52/2023/SIC

Mr. Gurudas Bhamaikar,
Son of Hiru Bhamaikar,
Resident of H. No. 315,
Mahalwada, Madkai,
Ponda, Goa 403404.

-----Appellant

v/s

1. PIO cum Dy. Director (Admn),
Office of the Directorate of Transport,
Junta House, 1st Floor, Panaji-Goa.

2. First Appellate Authority cum Director of Transport,
Directorate of Transport,
Junta House, 1st Floor,
Panaji-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 27/07/2022
PIO replied on	: 17/08/2022
First appeal filed on	: 16/09/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 30/01/2023
Decided on	: 19/07/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had requested for information on three points. It is the contention of the appellant that he received incomplete information from the Public Information Officer (PIO), thus filed first appeal before the First Appellate Authority (FAA), however, the said appeal was not disposed by the FAA within the mandatory period. Being aggrieved, the appellant has preferred second appeal against Respondent No. 1, PIO and Respondent No. 2, FAA, before the Commission.
2. Notice was issued to the concerned parties pursuant to which Advocate K. B. Surjuse appeared on behalf of the appellant. PIO appeared in person and filed reply dated 04/04/2023 and on 19/06/2023 submission was filed on behalf of the PIO.
3. PIO stated that, the application was duly replied within the stipulated period and information on point no 1 and 2, as available was furnished to the appellant. Further, with respect to point no. 3, part

information was furnished and the other part was denied under Section 8 (1) (h) of the Act. The information on the other part was denied since the inquiry is pending before the Directorate of Vigilance against the then recruited one Assistant Motor Vehicles Inspector.

4. Advocate K.B. Surjuse while arguing on behalf of the appellant stated that, the information sought is in public domain, available in the records of the PIO, hence complete information has to be furnished by the PIO.

Advocate K.B. Surjuse further argued stating that, the appellant was heard by the FAA, however the FAA instead of passing an order kept the appellant waiting even after the expiry of the mandatory period. Thus, he requests for appropriate action against the FAA for not deciding the first appeal.

5. Upon perusal of the records it is seen that, the appellant had sought information on three points and the PIO had furnished part information. Information on point no. 3 was denied under Section 8 (1) (h) since the inquiry into the concerned matter is pending before the Directorate of Vigilance. The said inquiry is against one of the then recruited Assistant Motor Vehicles Inspector and the Commission endorses the stands of the PIO that the disclosure of any information with respect to the said inquiry will impede the process of inquiry and such information may be furnished only after the inquiry comes to a logical conclusion. Thus, PIO need not furnish further information on point no. 3.
6. It is noted that, the PIO had furnished part information on point no. 1 and 2 within the stipulated period. Further, during the present proceeding, upon the direction of the Commission, PIO furnished additional information on point no. 1 and 2 and the same was acknowledged by the appellant. It is also seen that, the PIO was willing to comply with the directions of the Commission and no malafide is found in the conduct of the PIO.
7. The appellant has prayed for action against the FAA for not disposing the first appeal within the mandatory period. It is observed that the first appeal was filed on 16/09/2022 and the FAA heard both the parties on 08/10/2022, however passed no order to dispose the appeal. Appellant vide letter dated 22/11/2022 requested the FAA for copy of the order, yet there was no communication from the FAA to the appellant.

8. Applicant, if aggrieved by the response of the PIO, has been provided a tool in the form of Section 19 (1), to file first appeal before the FAA and Section 19 (6) of the Act further mandates any FAA to decide the appeal within maximum of 45 days. Non disposal of the first appeal amounts to de-reliction of duty. Similarly, non disposal of the first appeal denies the citizen statutory right of seeking the information. Thus, the FAA is mandated to dispose the first appeal as provided by the law. This being the first such instance with the said authority, the Commission takes lenient view, however, issues warning to the FAA to abide by the provisions of the Act. Any such failures in the future will be viewed strictly as per the provisions.
9. In view of the facts and findings as mentioned above, the Commission concludes that, the information eligible for disclosure under the Act has been furnished by the PIO and the appellant deserves no more relief and the present matter requires to be disposed.
10. Thus, the present 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.