

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 48/2023/SIC**

Shri. Anish S. Bacal,  
2BS3, Models Millenium Vistas,  
Caranzalem, Goa 403002.

-----Appellant

**v/s**

1. The Public Information Officer,  
Recruitment Cell,  
Goa Medical College,  
Bambolim-Goa.

2. The Public Information Officer,  
) / PIO,  
Recruitment Cell,  
Goa Medical College,  
Bambolim-Goa.

3. The First Appellate Authority,  
Dean of Goa Medical College,  
Goa Medical College,  
Bambolim-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 08/09/2022
RTI application transferred on	: 20/09/2022
PIO replied on	: Nil
First appeal filed on	: 03/11/2022
First Appellate Authority order passed on	: 18/11/2022
Second appeal received on	: 27/01/2023
Decided on	: 21/08/2023

**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, Public Information Officer (PIO), Recruitment Cell, Goa Medical College, Respondent No. 2, Public Information Officer (PIO), Director (Admin), Goa Medical College, and Respondent No. 3, First Appellate Authority (FAA), Dean of Goa Medical College, came before the Commission on 27/01/2023.
2. The brief facts of the appeal as contended by the appellant are that, the appellant under Section 6 (1) of the Act had sought from Respondent No. 2, PIO information on 55 points. The said application was transferred under Section 6 (3) to Respondent No. 1, PIO by

Shri. Dattaram Sardessai, Respondent No. 2, PIO. Appellant received no reply within the stipulated period, thus, filed first appeal before the FAA. FAA disposed the appeal with direction to Respondent No. 2, PIO, Director (Admin) to furnish the information. Appellant further contends that, inspite of this direction both the PIOs failed to provide complete information and inspection, thus, he has appeared before the Commission.

3. Pursuant to the notice, appellant appeared and prayed for complete information and inspection of the relevant records and filed submission dated 13/07/2023. None appeared for respondents initially, later, on 24/04/2023 Smt. Milita Lopes, L.D.C. appeared under authority letter on behalf of Respondent No. 2, PIO, however, filed no reply.
4. Upon perusal of the records of the instant matter, it is seen that the appellant had sought information from the PIO, Office of the Dean, Goa Medical College & Hospital and Shri. Dattaram Sardessai, PIO Goa Medical College (Respondent No. 2) vide letter dated 20/09/2022 transferred the application to the PIO, Recruitment Cell, Goa Medical College & Hospital (Respondent No.1) with a request to furnish the information to the appellant. However, appellant apart from the said letter, received no other reply from the either PIOs, thus, filed first appeal before the FAA.
5. Shri. Dattaram Sardessai, PIO (Respondent No. 2) appeared before the FAA and was directed by FAA to furnish the information free of cost as sought by the appellant or give reasons for non- availability/ non-submission of any information. Strangely Shri. Dattaram Sardessai, who had transferred the application to Respondent No. 1, PIO, himself appeared before the FAA and the FAA too, issued direction to Shri. Sardessai and not to Respondent No. 1, PIO, Recruitment Cell of Goa Medical College.
6. Before proceeding further, the Commission is baffled to see that though the application was transferred to Respondent No. 1, PIO, Recruitment Cell, the said PIO never responded to the appellant, nor appeared before the FAA as well as the Commission. On the contrary, Shri. Dattaram Sardessai, PIO, Director (Admin), Goa Medical College appeared before the FAA and took direction from FAA of furnishing the information. Thus, the Commission holds that the onus of establishing the existence of respondent no. 1, PIO is on respondent no.2 PIO or else the onus of furnishing information rests on Shri. Dattaram Sardessai, PIO, Respondent No. 2 in the instant

matter. The Commission really wonders whether there exists such PIO in the Recruitment Cell of Goa Medical College & Hospital and if not, why was the application transferred to the non existing PIO.

7. Respondent No. 2, PIO, in compliance of the FAA's direction, issued letter dated -/11/2022 (No date mentioned) and furnished part information. Apparently, the appellant was aggrieved as part information was rejected under various reasons and no inspection was provided. It is seen that the PIO has rejected some information under Section 8 (1) (e) and 11 of the Act, terming some information as vague, however, has not taken any efforts to justify his decision. In such a case, the onus was on the PIO to appear and justify his action.
8. Going further, Smt. Milita Lopes, L.D.C. appeared before the Commission to represent Respondent No. 2, PIO and volunteered to provide inspection to the appellant. Accordingly, appellant agreed to visit PIO's office on 03/07/2023.
9. However, as stated by the appellant vide submission dated 13/07/2023, he visited at 11.40 a.m. on 03/07/2023 but, no file or document was provided for inspection, nor PIO was present in his office. Appellant subsequently submitted a letter dated 03/07/2023 to the office of the PIO narrating the said incident. With this, the Commission finds that the PIO, Respondent No. 2, had initially failed to furnish any information to the appellant and later, after the direction from the FAA, furnished only part information and more seriously, avoided appearance before the Commission, as well did not bother to file any reply.
10. Such an intransigent conduct on the part of the PIO is not acceptable. PIO was mandated to provide inspection and information to the appellant and if not, was required to justify his action before the Commission. PIO has failed to take any such step. Thus, the Commission finds that an explanation needs to be sought from the PIO for his failure to furnish the information which amounts to contravention of Section 7(1) of the Act and also for his stand of avoiding appearance or filing any say before the Commission. Hence, show cause notice under Section 20 of the Act needs to be issued against the PIO.
11. In the light of above discussion, the present appeal is disposed with the following order:-

- a) Respondent No. 2, PIO is directed to furnish information sought by the appellant vide application dated 08/09/2022, within 15 days from receipt of this order, free of cost.
- b) Issue show cause notice to Shri. Dattaram Sardessai, PIO, Director (Admin), Goa Medical College & Hospital, Bambolim and the PIO is further directed to show cause as to why penalty as provided under Section 20 (1) and/ or 20 (2) of the Act, should not be imposed against him.
- c) Shri. Dattaram Sardessai, PIO is hereby directed to remain present before the Commission on **25/09/2023 at 10.30 a.m.** alongwith the reply to the showcause notice.
- d) In case the PIO is transferred, the present PIO shall serve this order alongwith the notice to the then PIO and produce the acknowledgement before the Commission on or before the next date of hearing, alongwith the present address of the PIO.
- e) The Registry is directed to initiate penalty proceeding against the PIO, Shri. Dattaram Sardessai.

Proceeding of the present appeal 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.

