

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 128/2023/SIC**

Mr. Jervis Fernandes,  
H.No. 69/A, Gunebhat-Bamonsal,  
Sanguem-Goa.

-----Appellant

**v/s**

1. Public Information Officer,  
Social Welfare Officer,  
Women and Child Development,  
Panaji-Goa 403001.

2. First Appellate Authority,  
The Director,  
Directorate of Women and Child Development,  
Old Education Building, 2<sup>nd</sup> Floor, 18<sup>th</sup> June Road,  
Panaji-Goa 403001.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 09/08/2022
PIO replied on	: Nil
First appeal filed on	: 23/09/2022
First Appellate Authority order passed on	: 18/01/2023
Second appeal received on	: 17/04/2023
Decided on	: 18/10/2023

**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) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 17/04/2023.
2. The brief facts of this appeal as contended by the appellant are that, the appellant had filed a request to the PIO for certain information. Since he did not get any response from the PIO, filed first appeal before the FAA. FAA, though after the expiry of the mandatory period of 45 days disposed the appeal by directing the PIO to furnish the information. It is the contention of the appellant that, no information was furnished, thus, he has appeared before the Commission by way of second appeal.
3. Pursuant to the notice, appellant appeared alongwith Advocate Atish P. Mandrekar and filed submission dated 03/07/2023. Smt. Sweta

Alias Sonam Parulekar appeared alongwith Advocate K. L. Bhagat, filed reply on 23/05/2023 and submission from PIO was received in the entry registry dated 19/07/2023.

4. PIO stated that, upon receipt of the application she searched the records by engaging staff of Social Welfare Section, however, the requested information was not traceable in her records. That, during the course of search she came across Notification published in the Official Gazette Series III No. 24 dated 11/09/2014, regarding preservation of physical records and data. PIO further stated that, with respect to the said Notification, the information requested by the appellant is more than 10 years old and the same is not available in her records.
5. Upon perusal, it is seen that, the information sought by the appellant is more than 10 years old and Department of Women and Child Development vide Notification F.No. 2-422-AG/2014/DWCD/08562, published in the Official Gazette Series III No. 24 dated 11/09/2014 had notified procedure for preservation of physical records and data. With respect to the said procedure the Commission finds that the information sought by the appellant is not physically available in the records of the PIO. However, the said information is required to be available in digitized form in the records of M/s. Goa Electronics Limited (GEL), a State Government PSU.
6. Section 6 (3) of the Act provides for transfer of application to other public authority, if the information sought is not available with the PIO, and the same is held by another authority. Accordingly, the PIO in the present matter was required to transfer the application which was not done by the PIO. However, there was no malafide behind not transferring the application and the PIO had not denied the request and had only stated that the information was not available in her records.
7. During the hearing on 18/10/2023, PIO alongwith Advocate K. L. Bhagat requested the Commission to allow her to transfer the application to GEL so that the appellant is provided the information by the concerned authority. Advocate Atish P. Mandrekar on behalf of the appellant endorsed the request of PIO. With these facts on record, the Commission is of the opinion that, the PIO should be allowed to transfer the application, which is the subject matter of present appeal proceeding, to GEL in order to help the appellant to obtain the information.

8. In the light of above discussion, the present appeal is disposed with the following order.

- a) The PIO is directed to transfer the application dated 09/08/2022 to the PIO, M/s. Goa Electronics Limited (GEL) and inform the appellant accordingly, within 07 days from receipt of this order.

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.