

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 454/2023/SIC**

Shri. Premnath B. Ibrampurkar,  
H.No. 162, Deulwada,  
Harmal, Pernem-Goa.

-----Appellant

**v/s**

1. The Public Information Officer,  
Office of the Goa Building and Other Construction,  
Workers Welfare Board, Shramshakti Bhavan,  
2<sup>nd</sup> Floor, Patto, Panaji-Goa.

2. The First Appellate Authority,  
Commissioner of Labour & Employment,  
2<sup>nd</sup> Floor, Shramshakti Bhavan,  
Patto Panaji-Goa.

----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 13/06/2023
PIO replied on	: 07/07/2023
First appeal filed on	: 04/08/2023
First Appellate Authority order passed on	: Nil
Second appeal received on	: 20/12/2023
Decided on	: 12/02/2024

**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), The Goa Building and Other Construction Workers Welfare Board and Respondent No. 2, First Appellate Authority (FAA), Commissioner of Labour and Employment, which came before the Commission on 20/12/2023.
2. It is the contention of the appellant that, the PIO did not furnish complete information and the FAA neither heard the first appeal, nor passed any order to dispose the appeal. Appellant further contended that, no reply or information was furnished by the PIO, thus, the PIO cannot claim any exemption under the Act. Also, no inspection of records was provided.
3. Notice was issued to the concerned parties and the matter was taken on board for hearing. Pursuant to the notice, Shri. Vinay N. Naik, PIO appeared in person and filed reply dated 01/02/2024. Later, on

06/02/2024, PIO furnished information as available in his records, which was received by the appellant. Appellant appeared alongwith Advocate Anish S. Bacal, prayed for complete information and filed submission dated 06/02/2024.

4. PIO stated that, upon receipt of the application, he had issued reply dated 07/07/2023, within the stipulated period, and requested the appellant to collect the information after paying requisite fees, and alternatively, appellant was telephonically informed on 07/07/2023 at 11.32 a.m. to collect the information and undertake inspection of the relevant records. The appellant thereafter visited PIO's office, however, inspected few files randomly and left the inspection incomplete and refused to collect the available information. The PIO further contended that, the appellant has voluntarily opted not to collect the information.
5. PIO also pointed out that, he is not a regular employee of the Goa Building And Other Construction Workers Welfare Board, thus, not conversant with the functioning of the Board. PIO further stated that, this being the case, he has to rely on the staff of the Board and the staff do not co-operate with respect to discharge of duties under the Act.
6. Advocate Anish S. Bacal, while arguing on behalf of the appellant, stated that, inspection of all records was not provided by the PIO and complete information was not furnished to him. It was mandatory on the part of the public authority to maintain all its records pertaining to the operational needs and furnish the information desired by the appellant. Advocate Anish S. Bacal further argued that, he holds the FAA equally responsible for violation of the provisions of the Act, since the first appeal was not even heard by the FAA.
7. The Commission has perused the records of the present matter and heard arguments of both the sides. Upon careful perusal, it is seen that, the appellant vide application dated 13/06/2023 had sought information on 31 points. The said information pertained to Shri. Hemant Jagannath Thakur, employee of the authority and according to the appellant, he was seeking the said information expeditiously, to file a Writ Petition in Hon'ble High Court of Bombay at Goa.
8. The appellant contends that no correct reply and point-wise information was furnished by the PIO within 30 days, nor furnished all files for inspection, held on 13/07/2023. However, PIO has

produced copy of the reply dated 07/07/2023, receipt of which is not denied by the appellant, during the present proceeding. The Commission notes that the PIO had issued reply within the stipulated period and had requested the appellant to collect the information and undertake the inspection. Here, appellant was required to pay the requisite charges and collect the information from the PIO and approach the FAA in case the information was incomplete. However, appellant failed to collect the information. Also, the Commission endorses PIO's contention that the appellant did not complete inspection of all the available files and instead filed first appeal alleging that the PIO had denied the information and inspection.

9. Thus, the contentions of the appellant cannot be accepted and the PIO cannot be held guilty of non-furnishing of the information and inspection. However, considering the fact that the Right to Information Act, 2005 is a beneficial act, enacted by the Government in order to bring transparency and accountability in the public administration by ensuring free flow of information, the Commission is of the opinion that the appellant has to be provided with the information he had sought.
10. This being the case, the Commission directed the PIO to furnish the information to the appellant. Accordingly, PIO vide submission dated 02/02/2024, filed before the Commission on 06/02/2024 furnished the information as available in his records, and the same was received by the appellant. Nonetheless, appellant vide submission dated 06/02/2024 stated that the PIO has not furnished correct information on point nos. 3, 4, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17 and 20 of his application. The Commission finds that the PIO, vide his reply, has stated with respect to point nos. 3, 4, 5, 6, 9, 11, 12, 13, 14, 15, 16 and 17 that 'Information not available with Board' and with respect to point no. 20 stated 'Not applicable'.
11. The Act ensures disclosure of information as defined under Section 2 (f) of the Act. Meaning, only information as defined under Section 2 (f) of the Act has to be furnished by the PIO and the PIO is not required to collate the information in the manner in which it is sought by the appellant. Hence, it is concluded that the PIO has furnished the information as available in his records and the appellant deserves no more relief in the present matter.
12. Before closing, the Commission notes with all seriousness that the first appeal filed under Section 19 (1) of the Act by the appellant before the FAA was not heard at all. Section 19 (6) mandates FAA to

dispose the appeal within maximum of 45 days from the date of filing thereon. Non hearing of the appeal is considered as dereliction of duty and such an inaction from senior officer compels appellant to approach the Commission, for which appellant has to incur unnecessary expenditure. Thus, as provided under Section 25 (5) of the Act, the Commission finds it necessary to recommend to the Chief Secretary to seek explanation from the FAA, Commissioner of Labour and Employment for his failure to decide the first appeal.

13. In the light of above discussion, the present appeal is disposed with the following order:-

- a) PIO is directed to file compliance report with respect to the status of the information sought by the appellant vide application dated 13/06/2023, within 10 days from receipt of this order.
- b) The Chief Secretary, Government of Goa shall seek an explanation from the FAA, Commissioner of Labour and Employment, for not deciding the first appeal in conformity with Section 19 (6) of the Act. The Registry is directed to send the copy of this order to the Chief Secretary, Government of Goa.

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.

