

GOA STATE INFORMATION COMMISSION

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Appeal No. 367/2023/SCIC

Sarvesh Sudan Desai,
H. No. 6/92-F, Sonarbhat,
Saligao, Bardez, Goa, 403511
V/S

.....Appellant

1.The First Appellate Authority,
Shri. Nelson Albuquerque,
Superintendent of Police, Anti Corruption Branch,
Directorate of Vigilance, Altinho,
Panaji-Goa

2.Dy. Superintendent of Police,
Anti Corruption Branch,
Directorate of Vigilance,
Serra Building, Near All India Radio,
Altinho, Panaji-Goa

.....Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 11/10/2023

Decided on: 15/02/2024

ORDER

1. The Appellant, Shri. Sarvesh Sudan Desai, r/o House No. 6/92-F, Sonarbhat, Saligao, Bardez-Goa, 403511, vide his application dated 06/07/2023 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought certain information from the Public Information Officer (PIO), Anti Corruption Branch, Altinho, Panaji-Goa.
2. The said application was replied by the PIO on 20/07/2023 in the following manner:-

<i>Sr. No.</i>	<i>Information sought by applicant</i>	<i>Reply/information</i>
<i>1</i>	<i>Copy of statements recorded by PI Manguesh Valvaikar on 06/06/2023 from 11.00 hrs to 1.00 Clock</i>	<i>Information is rejected as per Section 8(1)(h) of RTI Act, 2005 as the same is under enquiry.</i>
<i>2</i>	<i>Action taken reply of statements statement recorded PI Manguesh Valvaikar on 06/06/2023</i>	<i>Information is rejected as per Section 8(1)(h) of RTI Act, 2005 as the same is under enquiry</i>
<i>3</i>	<i>Total disciplinary memos issued to PI Manguesh Valvaikar and his monthly Remunerative</i>	<i>Information with respect to memo issued is Nil As regards to information on monthly Remunerative, application is transferred U/Sec.6(3) of the RTI Act, 2005 to the Dy. Director Vigilance, Altinho Panaji</i>

3. The PIO of the Directorate of Vigilance vide letter dated 10/08/2023, furnished the information to the Appellant with regard to the point No. 3 of his application.
4. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal through postal service before the Superintendent of Police, Anti Corruption Branch, Altinho Panaji-Goa, being the First Appellate Authority (FAA).
5. The FAA, vide its order dated 15/09/2023, allowed the first appeal and directed the PIO to release the information at point No. 1 to the Appellant within ten days.

6. Since the PIO failed and neglected to comply with the order of the FAA dated 15/09/2023, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to furnish the information, to impose penalty on the PIO and to initiate disciplinary action against the PIO.
7. Notices were issued to the parties, pursuant to which, the PIO appeared and filed his reply on 11/12/2023. The representative of the FAA, Mr. Melito Fernandes, Police Inspector, attached to the Anti Corruption Branch appeared and placed on record the reply of the FAA on 11/12/2023. Despite valid service of notice, the Appellant did not appear in the matter.
8. The PIO, through his reply, contended that he has replied the RTI application on 20/07/2023 i.e. within the stipulated time. According to him, he denied to furnish the information at point No. 1 and 2 at the initial stage, under Section 8(1)(h) of the Act, as it would impede the process of investigation as the matter was under inquiry.

However, upon receipt of the order of the FAA dated 15/09/2023, he complied with the order, and vide letter No. ACB/VIG/RTI-33/23/83/2023 dated 22/09/2023 dispatched the Registered A/D letter informing the Appellant to collect the information.

Further, according to the PIO, the Appellant personally visited the Office of the PIO, Directorate of Vigilance, Anti Corruption Branch, Altinho, Panaji-Goa on 28/09/2023 and collected the purported information. In order to lend support to his case, he produced on record a letter dated 22/09/2023,

which was duly endorsed by the Appellant on 28/09/2023 which is evident that he received the information.

9. Since the Appellant did not participate in the appeal proceeding despite fair opportunities, I presume and hold that, the Appellant has no say to offer.

10. Considering the fact and circumstances hereinabove and since purported information has been furnished to the Appellant by the PIO, I hold that nothing survives in the appeal. The Commission, therefore, find no reason to further prolong the proceeding. Accordingly, the matter is disposed of

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner