

GOA STATE INFORMATION COMMISSION

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

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Appeal No.387/2023/SCIC

Mr. Sebastiao R. Gomes,
H. No. 681, Vidhyanagar,
Margao Goa 403601.

V/s

----Appellant

1.The Public Information Officer,
Directorate of Mines and Geology,
Institute of Menezes Braganza,
Panaji Goa.

2.The First Appellate Authority,
Dy. Director of Mines and Geology-III,
Directorate of Mines and Geology,
Institute of Menezes Braganza,
Panaji Goa.

----Respondents

Shri. ARAVIND KUMAR H. NAIR- State Chief Information Commissioner

Relevant Facts Emerging from the Appeal

RTI application filed on	- 25-07-2023
PIO replied on	- 27-07-2023
First Appeal filed on	- 01-08-2023
First Appellate order on	- 27-09-2023
Second appeal received on	- 23-10-2023
Decision of the Second Appeal on	- 10-03-2025

Information sought and background of the Appeal

1. Shri. Sebastiao R. Gomes filed an RTI application dated 25/07/2023 to the PIO, Directorate of Mines & Geology seeking following information:
 - i. *Please provide me details about date when file was submitted for consideration as per Circular No. 19-02-2004/GAD/Part dated 30/03/2012.*
 - ii. *Please provide me details about date when file was inwarded with Directorate of Mines & Geology.*
 - iii. *Please provide me a certified copy of movement file for a Circular No. 19-02-2004/GAD/Part dated 30/08/2012 and file submitted for consideration.*

2. In response to the RTI application, PIO vide letter dated 27/07/2023 replied to the Appellant as under :

"With reference to your application dated 25/07/2023 received in this office, in this connection, you are requested to attend this office on any office working day during office hours with prior intimation to this office and inspect the relevant file and obtain the desired information."

3. Dissatisfied with the reply of the PIO, RTI applicant filed first appeal dated 01/08/2023 to the First Appellate Authority (Dy. Director of Mines & Geology-II).

4. Respondent PIO in his reply dated 28/08/2023 to the first appeal submitted that reply was given in prescribed time and also furnished fresh point-wise reply to the RTI application as furnished below:

- i. As per point No. 1 of the RTI application, file was submitted for consideration on 26/07/2012 by the Directorate of Mines & Geology to the Government.*
- ii. As per the point No.2 of the RTI application, circular was inwarded in the Directorate of Mines & Geology on 14/02/2023.*
- iii. As per point No.3 of the RTI application file was moved for consideration on 26/07/2012 by the Directorate of Mines & Geology to Government. It is informed that vide Appeal No.80/2021/SIC in Goa State Information Commission, same matter was taken up and resolved.*

5. FAA vide order dated 27/09/2023 dismissed the first appeal on the ground that *"PIO had furnished his first reply within time and has now has furnished all the desired information vide his reply dated 28/08/2023 and hence nothing survives in this appeal."*

6. The Appellant subsequently preferred second appeal dated 23/10/2023 stating that the PIO has furnished wrong information and prayed for direction to the Respondent PIO to provide correct information with regard to the file movement of circular No. 19-2-2004/GAA/Part dated 30/03/2012.

7. Pursuant to the second appeal, parties were notified fixing hearing on 13/12/2023 for which appellant appeared in person but Respondents

remained absent. In the subsequent two hearings also, Respondents remained absent. There was no hearing in the matter from March 2024 to September 2024 as the post of SCIC and SIC remained vacant.

8. The matter was taken up for hearing before the SCIC on 18/10/2024 for which, Appellant was present but Respondent PIO was absent. Issued notice to the PIO for physically present for the hearing slated for 22/11/2024 for which representative of the Appellant, Respondent PIO (link) Shri Baban Gaonkar and then FAA Shri. Pandurang Parab were present. During the hearing, Respondent PIO agreed to give inspection of the concerned file to the appellant and provide whatever Appellant required from the concerned file. Respondent PIO was asked to file submission, if any, before the next date of hearing on 08/01/2025.
9. Respondent PIO (link) filed a submission dated 02/12/2024 stating that the appellant was asked to inspect the relevant file and PIO is ready to provide information as per RTI Act and is not withholding the information. Subsequently, the link PIO vide letter dated 22/01/2025 intimated the Appellant, as per direction from the Hon'ble Goa State Information Commission, to visit the office of the PIO on any working day to inspect the relevant file.
10. During the final hearing today i.e. 10/03/2025, Respondent PIO, Office Superintendent filed an Affidavit dated 10/03/2025 stating that as per direction of the Hon'ble Goa State Information Commission, inspection was provided to the Appellant. It is further submitted that Circular No. 19/02/2004-GAD/Part dated 30/03/2012 from General Administration Department was inwarded in the Directorate of Mines & Geology on 14/02/2023. The Affidavit also carried a copy of the Circular No. 19/02/2004-GAD/-Part dated 30/03/2012 received by the PIO (Shri Swapesh Gaude, Office Superintendent, Estt. Section), Directorate of Mines & Geology from the Under Secretary (GA), Shaila G. Bhosle, vide letter dated 13/02/2023.
11. Affidavit copy of the letter forwarded by the Under Secretary(GA) to the Respondent PIO and the copy of the Circular No. 19/02/2004-GAD/Part dated 30/03/2012 is submitted to the Appellant by the PIO in front of the Presiding

Commissioner on 10/03/2025 and the receipt of the above said information/ documents was duly acknowledged by the Appellant in writing.

DECISION

As the Respondent has complied with the directions of the Commission - allow physical inspection of the concerned file by the Appellant and to provide information sought for vide RTI application- no further action is warranted in the present appeal and the matter stands disposed off today i.e. 10/03/2025.

- Proceedings stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC