

GOA STATE INFORMATION COMMISSION
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Appeal No.157/2025/SCIC

Dr. Agostinho A.R. Misquita,
R/o. H. No. 1397,
Dangvaddo, Near St. Anthony’s Chapel,
Benaulim, Salcete-Goa.
V/s
-----Appellant

- 1.The Public Information Officer,
Office of the Deputy Collector and SDO-I,
Salcete, Margao-Goa.
- 2.The Public Information Officer,
Office of the Deputy Collector and SDO-II,
Salcete, Margao-Goa.
- 3.The First Appellate Authority,
Office of the Deputy Collector and SDO-II,
Salcete, Margao-Goa.
-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	31/12/2024
PIO replied on	31/12/2024
Transfer of RTI application u/s 6 (3)	07/01/2025
First Appeal filed on	21/02/2025
First Appellate order on	09/06/2025
Second appeal received on	09/07/2025
First hearing held on	06/08/2025
Decided on	23/09/2025

Information sought and background of the Appeal

1. Dr. Agostinho A.R. Misquita filed an application dated 31/12/2024 to the PIO, O/o. The Dy. Collector & SDO-II, Salcete, Margao seeking "*All file notings with Roznama, notices issued to all stake holders, acknowledgement of notices, all records of proceedings and order(s) in the Case No. LRC/PART/607/2007/III*".
2. On receipt of the RTI application, PIO, O/o The Dy. Collector & SDO-II, Margao, Goa vide letter dated 31/12/2024 informed the

Appellant 'to quote name of the Village in Case No. LRC/PART/607/2007/III in order to provide the required information'.

3. Subsequently vide letter dated 03/01/2025 Appellant communicated the PIO the name of Village as 'Benaullim'.
4. Thereafter, PIO, O/o. The Dy. Collector & SDO-II, Margao vide letter dated 07/01/2025 transferred Appellant's RTI application dated 31/12/2024 to the PIO, O/o Dy. Collector and SDO-I, Salcete Goa stating that *"Since the information sought by the Applicant pertains to your office, the application is transferred under sub Section 3 of Section 6 of the RTI Act, 2005 with a request to furnish the information directly to the Applicant"*.
5. On receipt of the transferred RTI application, PIO, Office of the Dy. Collector & SDO-I vide letter dated 24/01/2025 replied to the Appellant as under :
"It is informed that the file bearing No.LRC/PART/607/2007 is not available in the disposed list. However, you may inspect the disposed list if required on any working day during morning session (except Tuesday and Thursday) between 10.00 a.m. to 12.00 noon".
6. Subsequently, Appellant filed first appeal dated 21/02/2025 before the First Appellate Authority.
7. FAA (Dy. Collector & SDO-I, Salcete) vide letter dated 01/04/2025 informed the Dy. Collector/SDO-II, Salcete, Margao as under.
"With reference to the above referred RTI appeal, it is to inform that the Appellant during hearing in the Court of undersigned produced on record copy of Judgement and order passed by SDO-II dated 15/07/2014 issued under RTI Act by the Mamlatdar of Salcete. Since the order has been passed by the SDO-II, the said information lies with SDO-II and hence the matter is transferred to your office for further hearing on 15/04/2025 at 3.00 p.m.".

8. PIO, O/o The Dy. Collector & SDO-II, Salcete in his written submission dated 09/06/2025 filed before the FAA (Dy. Collector and SDO-II) stated that -

- a. Files pertaining to the Villages allotted to SDO-II, Salcete were handed over to this office and the files pertaining to the O/o. The Dy. Collector & SDO-I, Salcete processed by the SDO-II were handed over to the office of the Dy. Collector & SDO-I office.
- b. Concerned dealing clerk has already verified the inventory list of the disposed files held by her pertaining to partition files and the said file is not available in the said list. Further this office has also conducted search for the said file in the stores of the Dy. Collector & SDO-II Salcete. However, the said file could not be located.
- c. As per the direction of FAA (Dy. Collector and SDO-II), concerned dealing hand has verified the disposed partition list of the O/o The Dy. Collector and SDO-I and the said file is also not available in their list.

9. FAA (Dy. Collector and SDO-II, Salcete) vide order dated 09/06/2025 disposed the first appeal with the following judgement :

"The Authority heard the Appellant as well as Respondent PIO. The Respondent stated in reply that the records sought by the Appellant cannot be located and therefore the record is not available.

Further, after thorough search of the record store and going through inventory list of file maintained by this office, the PIO has submitted that the file has gone missing.

Subsequently, missing report has been lodged against the said file before Police Inspector, Fatorda".

10. Appellant subsequently preferred Second appeal dated 09/07/2025 before the Commission stating that:

- a. Respondent No.1 and 2 have failed to supply the requisite information sought under RTI application dated 31/12/2024.*
- b. The RTI Act, 2005 does not provide any exemption from disclosure of information on the ground of missing files.*

Appellant prayed before the Commission that the Respondents be directed to furnish the sought information and to impose penalty against the Respondents u/s. 20 of the RTI Act, 2005.

FACTS EMERGING IN COURSE OF HEARING

11. Pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matters for hearing on 06/08/2025 for which Appellant present and APIO, O/o. SDO-II present for the Respondent 2. APIO filed reply of the Respondent No.1 to the appeal memo with additional copy to Appellant. APIO submitted that PIO Shri. Rohan Naik, Awal Karkun has been transferred to Revenue Section and presently no one is appointed as PIO.

Respondent No.1 in the reply dated 06/08/2025 submitted that :

- a. RTI application dated 31/12/2024 was transferred to the PIO, O/o. Dy. Collector & SDO-II, Salcete on 07/01/2025.
- b. Appellant was informed vide letter dated 24/01/2025 that the information sought is not available in the office records.
- c. Appellant preferred first appeal dated 21/02/2025 before the Dy. Collector and SDO-II which was transferred to Dy. Collector & SDO-I on 04/03/2025.
- d. Since the Appellant placed on record the copy of the Judgement and Order dated 15/07/2014 passed by the SDO-II, the RTI appeal was transferred back to the O/o. Dy. Collector and SDO-II.
- e. The sought information pertains to the O/o The Dy. Collector and SDO-II, Salcete.

Matter fixed for further hearing on 23/09/2025. Appellant and then PIO O/o. SDO-II present for the hearing held on 23/09/2025.

DECISION

The Dy. Collector and SDO-II, Salcete (Mohd. Shabir, IAS) in his order in the first appeal of the Appellant stated (based on PIO's submission) that thorough search of the record store and perusal of inventory list of the files maintained by the office of Dy. Collector & SDO-II, revealed that the file pertaining to the RTI application of the present appeal is missing and subsequently missing report has been lodged before the Police Inspector, Fatorda Police Station. However, no copy of the said police complaint is available/produced before the Commission. PIO, O/o Dy. Collector & SDO-I, Salcete in his reply dated 06/08/2025 submitted that the Appellant placed on record, the copy of judgement and order dated 15/07/2014 passed by the SDO-II and the information sought by the Appellant pertains to the office of SDO-II, Salcete.

DIRECTIONS TO SDO-II, SALCETE , SOUTH GOA

- i. Since the above mentioned facts and circumstances reveals that the information sought by the Appellant pertains to the office of the Dy. Collector & SDO-II, Salcete, **SDO-II, Salcete, South Goa is hereby directed** to make fresh search to locate the concerned file/documents pertaining to the Appellant's RTI application and furnish sought information, to the Appellant, free of cost, within three weeks time from the date of receipt of this order.

If the said file is not traced within the said three weeks time, institute an impartial inquiry to fix the responsibility on the staff member (s) of your office for the missing of the said file and recommend appropriate disciplinary proceeding under Service Rules applicable to him/her for the missing, misplacement or destruction of the said file/documents.

File compliance report to the Commission within 30 days from the date of receipt of this order.

DIRECTIONS TO DISTRICT COLLECTOR, SOUTH GOA

- ii. Since the citizens are being faced with hardship owing to the missing of their vital/sensitive documents/records due to the administrative as well as jurisdictional bifurcation of Salcete Sub Division of South Goa District, as Sub Division-I and Sub Division-II, District Collector, South Goa is hereby directed to institute an inquiry into the files held by the undivided Sub Division (i.e. Sub Div-I) of Salcete and the files handed over to the O/o. The Dy. Collector and SDO –II, following the bifurcation of the sub divisions of Salcete into two viz. I & II to identify the actual number of files in possession before and after bifurcation and the numbers and details of missing files.

Accordingly, fix the responsibility of the officers/staff members for the missing government documents/records and initiate appropriate departmental actions against such officers/staff found responsible for the missing/loss/destruction of government documents according to the provision of the Service Rules applicable to them.

- iii. *This exercise/inquiry need to be completed within 02 months from the date of receipt of this order and file compliance report within two and half months from the date of receipt of this order failing which you will be summoned before the Commission under the provisions, u/s. 18 3(a) of RTI Act, 2005.*

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

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/-

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

