

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in
website: www.gsic.goa.gov.in

Appeal No. 193/2023/SCIC

Shri. Sankalp Karpe &
Smt. Nandita Karpe
"Pitashree", H.No. 247/A, 1st Floor,
Ganeshpuri, Housing Board Colony,
Mapusa, Bardez-Goa 403507.

..... Appellant

V/s

1. The Public Information Officer.
Primary Health Centre Colvale,
Colvale, Bardez-Goa 403513.

2. The First Appellate Authority,
The Director, Directorate of Health Services,
Campal, Panaji-Goa 403001.

3. Dr. Ankita Sawant,
Then Public Information Officer,
Primary Health Centre,
Colvale, Bardez-Goa.

..... Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 08/06/2023
Disposed on: 09/12/2025

ORDER

1. The present second appeal arises out of Right to Information (RTI) application dated 14/03/2023 made by Shri. Sankalp Karpe and Smt. Nandita Karpe both Appellant's herein and addressed to the Public Information officer (PIO) at Primary Health Centre Colvale, Bardez-Goa.
2. Citing the reason of having received no reply within stipulated time period of 30 days from the PIO, the Appellant herein

preferred first appeal dated 27/04/2023 before the competent authority.

3. Vide order dated 29/05/2023, the First Appellate Authority (FAA) directed the PIO to furnish pointwise reply to the Appellant's RTI application and information/ documents if any to be provided free of cost within 8 days from pronouncement of this judgement.
4. The PIO, Dr. Shubhra Bhonsle vide communication dated 05/06/2023 wrote to Appellant's herein to collect the reply to their RTI application as directed by the FAA.
5. Vide appeal memo dated 08/06/2023, the Appellant's herein preferred second appeal before this Commission whereby notices were issued on 11/07/2023 and proceeding commenced from 03/08/2023.
6. In the meantime, upon the former SIC demitting and no new appointment being made there was no progress in this matter and proceedings commenced from 21/10/2024 onwards.
7. Thereafter, both the parties were given opportunity to put forth their contentions in the form of replies, rejoinders as well as written submissions.
8. It is the contention of Appellant herein that the PIO has erred in so far as not furnishing information within prescribed time period of 30 days and also not furnishing information within the time period prescribed by the FAA in its order. The Appellant further contents that this act of the PIO is to defeat provisions of RTI Act and to cause delay and ultimately cause denial of information towards letter and spirit of Appellant's RTI application.

9. The PIO admits that information could not being furnished within the first prescribed time period of 30 days. However, contends that second appeal was furnished hastily by the Appellant to cause prejudice to PIO's case in this matter.
10. Upon perusal of appeal memo and all other material on record, this Commission is of considered opinion as under:-
- a. The RTI Act is a beneficial legislation aimed at transparency and accountability in public administration by empowering members of public to have access to various documents in larger public interest and PIO are entrusted with the responsibility of honouring this rights of information seeker.
 - b. However, same RTI Act also provide specific definitions so that rights of information seeker as well as Information Officers are safeguarded.
 - c. It is a fact beyond arguments that; primary responsibility of the PIO is to honour right of information seeker but at same time information seeker is also expected to be specific and also not to be vague and voluminous in terms of the information sought.
 - d. In the present instance, there is a fundamental error on the part of the PIO that she had failed to dispose Appellant's RTI application within stipulated time period of 30 days.
 - e. The contentions made before the Appellate Authority are nothing but afterthought aimed at easing the fall on account of initial inaction.
 - f. The PIO cannot be expected to respond to vague and voluminous application by way of providing information but such applications also need to be responded within

stipulated time period by seeking recourse to the provisions of the RTI Act such as Section 2(f) and so on.

- g. The Appellant herein also are found to be in hurry in so far as preferring second appeal is concerned wherein on the very 10th day of pronouncement of order of FAA they filed second appeal before this Commission.
 - h. The contention of the PIO of having telephonically informed the Appellant cannot be considered as valid enough and cannot escape the responsibility entrusted by the RTI Act.
 - i. The PIO's in general ought to be discouraged to furnish information at first appeal or second appeal stages, otherwise the very purpose of this enactment would be defeated.
 - j. The conduct of the PIO in this case appears to have delayed the furnishing of the information to the information seeker by a span of 60 days i.e. the initial stipulated time period of 30 days and further 30 days from 05/06/2023 to 05/07/2023 where the information was furnished to the Appellant thereby attracting penalty under Section 20(1) of the RTI Act, 2005.
11. Therefore in view of the above, the present second appeal is disposed with following order:-
- a. The present second appeal is partly allowed.
 - b. The contents of the RTI application wherein reasons are sought or any such reports which was never generated by the PIO or the department cannot be furnished to seeker and hence PIO cannot be held liable under Section 2(f) of the RTI Act.

- c. The PIO, Dr. Shubhra Bhonsle has attracted penalty of **Rs. 15,000/- (Rupees Fifteen Thousand only)** on account of delay caused on her part and the Director, Directorate of Health Services is hereby directed to recover the said amount for with and submit compliance to that effect on 20/01/2026 accordingly.
- d. In so far the contention of certain documents being illegible, the PIO is directed to provide fresh inspection of those limited documents to the Appellant in this matter and provide fresh certified copies on same day without charging any fee. This procedure is directed to be held on 15/01/2026 during working hours and record the minutes of proceeding and PIO as well as the Appellant to inscribe signature on the said minutes confirming compliance to the directions herein.
- e. Registry to issue show cause notice to the PIO as to why action should not be initiated for non-compliance of the directions herein and shall remain present alongwith compliance report and reply to show cause notice on **20/01/2026 at 11.00 am**; failing which fresh proceeding to be initiated.
- No order as to cost.
 - Parties to be provided authenticated copies of the order.
 - 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/-

(ATMARAM R. BARVE)

State Information Commissioner