

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 268/2024/SIC

Dr. Daliza D. Silveria,
Flat No.18, Sapana Saterlite,
Madel, Margao-Goa, 403106

.....Appellant

V/s

1. Public Information Officer (PIO),
O/o. the Mamlatdar of Bardez Taluka,
Mapusa-Goa.

2. The First Appellate Authority,
Mamlatdar of Bardez Taluka,
Mapusa-Goa

...Respondents

Filed on:10/12/2024

Decided on: 03/03/2025

ORDER

1. The present second appeal arises out of the Right To Information (RTI) application dated 08/08/2024 addressed to the Public Information Officer (PIO) in the Office of the Mamlatdar at Bardez Taluka by Dr. Daliza Silveira the Appellant herein citing the grounds of non disclosure of information within the stipulated time, the Appellant herein preferred the first appeal dated 24/10/2024 before the competent authority.
2. Citing the grounds of non disposal of the first Appeal the Appellant herein preferred this present second Appeal on 10/12/2024.
3. Notices were issued on 16/01/2025 and matter was argued by both the parties on the present day.

4. During the course of arguments the Public Information Officer (PIO) Shri. Ullo Mangueshkar contended that the file which is the subject matter of the appellants RTI application was not initially traceable and as such information could not be provided to the Appellant within the stipulated time period.
5. However, the file was subsequently traced and the information sought by the Appellant has now been furnished.
6. The Appellant acknowledged receipt of information and sought penalty to be imposed against the PIO for the delay.
7. It is also noteworthy that the First Appellate Authority (FAA) has also failed to decide the first Appeal filed by the Appellant herein.
8. Considering, the facts presented as well as arguments proceeded this Commission is of the opinion as under:-
 - a) "File not traceable" and "file misplaced" appear to be the most common stands taken by PIO's to run away from their responsibility under the Right To Information Act thereby causing grave prejudice to the right of the information seeker.
 - b) The conduct of the First Appellate Authority in this matter is more worrisome as the said authority has deprived the Appellant of her opportunity to seek a remedy. Prescribed by the Right To Information Act.
9. Therefore in view of the above the present second Appeal is disposed with the following orders:-

- a) The PIO is cautioned not to repeat such acts of delay in the future in terms of issuing response to applications under the Right to Information Act, 2005.
- b) Secretary-Department of Revenue Government of Goa is directed to issue instructions to the First Appellate Authorities in the ambit of the said Department to compulsorily decide the first appeals within the stipulated time frame and submit compliance report to that effect to this Commission on or before 2nd April, 2025.
- c) No order as to cost.

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/-

(Atmaram R. Barve)

State Information Commissioner