

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 14/SIC/2010

Mr. Joel Mendes,
R/o. F-1, Shantadurga Apartments,
Dr. Minguel Miranda Road,
Margao,
Salcete – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Margao Municipal Council,
Margao
Salcete – Goa

... Respondent No. 1.

2) The Director of Municipal Administration, &
Urban Development,
Collectorate Building,
Panaji – Goa

... Respondent No. 2.

Appellant alongwith Adv. L. Fernandes.
Respondent No. 1 absent.

J U D G M E N T

The information sought by the Appellant on 08.06.2009 and listed at Sr. No. (a), (b) and (c) was replied by the Respondent No. 1 by letter dated 29.01.2009 calling upon the Appellant to inspect the records and obtain necessary information/details the Appellant required under RTI Act.

2. Not content with the reply of the Respondent No. 1, the Appellant preferred the First Appeal on 14.10.2009 and by Order dated 23.12.2009 the Respondent No. 1 was directed to reconstruct the record by site inspection and by way of assessing alternate record available with the owner of the construction, within thirty days from the date of the Order.

...2/-

The Respondent No. 1 by letter dated 08.01.2010 provided the information sought in the request dated 08.09.2009 to the items at Sr. (a), (b) and (c). The Appellant is satisfied with the reply provided by the Respondent No. 1 but preferred the Second Appeal as the Respondent No. 2 has not imposed any penalty and recommend disciplinary proceedings against the PIO for the delay in providing the information.

3. The First Appellate Authority, under RTI Act, has no powers to impose penalties or recommend disciplinary proceedings against the PIO. Under section 19(8) (c) powers to impose penalties are vested only with the Commission and u/s. 20(2) to recommend disciplinary proceedings against the PIO.

4. Since the Appellant is content with the information provided by the Respondent No. 1. and the grievance of the Appellant is in respect of the delay in providing the information, the only question is whether the records indicate if there was any delay on the part of Respondent No. 1 to provide information sought by the Appellant. The information sought by the Appellant on 08.09.2009, the Respondent had to provide the information within the period of thirty days, but a letter was addressed to the Appellant only on 29.10.2009 and that too calling the Appellant for inspection of the records. This reply was given by the Respondent No. 1 after the First Appeal was filed on 14.01.2010. The Order of the First Appellate Authority dated 23.12.2009 directed the Respondent No. 1 to reconstruct the records within the period of thirty days and provide information to the Respondent No. 1 and by communication dated 08.01.2010 the Respondent No. 1

complied with the directions of the First Appellate Authority and provided the information within thirty days' time. However, records indicate that there was a delay in providing the initial information on 08.09.2009 for which the Respondent No. 1 has to give his explanation for such delay. Hence, the following order:

ORDER

The Appeal is partly allowed. Show cause notice is issued to the then Public Information Officer – Prasanna A. Acharya to file the reply on 05.07.2010.

Pronounced on this 18th day of June, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner