

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 22/SCIC/2010

Shri Franky Monteiro,
H.No. 501 Devote,
Loutolim,
Salcete-Goa.

..... Complainant.

V/s.

Public Information Officer,
Landscape Architect,
Town & Country Planning Dept. (HQ)
Panaji - Goa.

..... Opponent/Respondent.

Complainant absent.

Opponent in person.

ORDER
(23-07-2010)

1. The Complainant, Shri Franky Monteiro, filed the present Complaint praying that the Respondent be directed to immediately furnish appellant the sought documents at the earliest, that monetary penalty be imposed and necessary disciplinary action be taken against concerned officials.

2. The facts leading to the present Complaint are as under:-

That the Commission was pleased to direct the Respondent to furnish the information sought by the Appellant within 10 days from the receipt of the order. That the order was pronounced on 08/01/2010. That the Respondent made a letter dated 11/01/2010 to the Appellant requesting to collect the Information. That the Opponent visited the Office of the Opponent on 22/01/2010 it was the contention of the Opponent that he furnished the Complainant all the information. It is the case of the Complainant that he is sure that there are more documents in the form

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of correspondence made by the Sarpanch of Village Panchayat of Loutolim on 15/06/2009 alongwith enclosures. That the secretary of the Panchayat who is the Public Information Officer has furnished him under Right to Information Act two letters dated 15/06/2009, both bearing the same date and same outward No. and both addressed to the Chief Town Planner with enclosures. That it is very important for the Appellant to know which of these letters have been officially received by the office of the Respondent or if both are received and with what enclosures. It is also the case of the Complainant that he fails to understand the ulterior motives of the Respondent to intentionally avoid furnishing of the same correspondence and enclosures to the Appellant.

3. The Respondent resists the Complaint and their say is on record. It is the case of the Respondent that the Respondent moved the file to the Deemed Public Information Officer in the Regional Plan Division to make available all the information sought by the Applicant at Sr. No. 4 in his application dated 01/09/2009. That the deemed Public Information Officer put on record the soft copy of the information and hard copy of letter dated 08/09/2009, 14/07/2009 with two plans for issue which was certified and applicant was informed vide letter dated 11/01/2010 which was collected by the applicant on 22/01/2010. That after collecting the said information and inspecting the contents, the applicant once again verbally complained that information sought was not issued to him. That once again the Deemed Public Information

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Officer was requested to put on record and to make available all the information sought by the Applicant at Sr. No. 4 in the application without fail for certification and issue to the applicant. That on 09/02/2010 the deemed Public Information Officers in the Regional Plan 2021 division put on record copies of all the information, which was certified and informed that inspection of all the files pertaining to Village Panchayat of Loutolim correspondence to C.T.P. is undertaken by the applicant with prior appointment and the applicant was informed to collect the information vide letter dated 09/02/2010 and which was collected by him on 18/02/2010. It is further the case of the Opponent that after collecting the said information and inspecting the contents, the applicant once again complained verbally that information was not issued to him. That all efforts have been made by the Public Information Officer to give information, there was no malafide intention. That information is to be provided as sought and that Public Information Officer cannot re-shape the information. That Compliance report was also filed.

4. Heard the Opponent. It is seen that on the first day of hearing i.e. on 02/03/2010 Complainant was absent. Again on 19/03/2010, 05/04/2010 and 15/04/2010 the complainant/Appellant was absent on 15/04/2010 notice was issued to the Complainant to remain present on 03/05/2010. However he was absent. On 31/05/2010, 21/06/2010, 02/07/2010, 09/07/2010, 16/07/2010 and 23/07/2010 the complainant was absent. Various opportunities were given to the Complainant but he remained absent. I have heard the Respondent/Opponent in detail.

5. I have carefully gone through the records of the case. It is seen that this Commission by order dated 08/01/2010 directed Respondent No. 1 to furnish the information sought by the Appellant within ten days from the receipt of order. It was also observed that in case the information is still not available than to take recourse to the provisions of Right to Information Act in furnishing information to the Appellant as observed herein above.

It is seen that by an application dated 01/09/2009 the applicant sought certain information in the nature of letters, plan and copies of correspondence and enclosures. The Respondent /Opponent by reply dated 22/09/2009 some information was furnished. In respect of point No. 4 certified copies of all correspondence with enclosures etc were not furnished on the ground that the same were not available. It was also informed that the same was placed on record by the Regional Plan 2021 cell and the said records are under scrutiny of the State Level Committee and the work was in progress. In view of this part of the information was not furnished.

6. The grievance of the Appellant/Complainant is that he is sure that there are more documents in the form of correspondence made by the Sarpanch of Village Panchyat of Loutolim on 15/06/2009, alongwith enclosures. According to the Opponent applicant was informed by letter dated 11/01/2010 to collect the said documents and he collected the same on 22/01/2010. The documents were copy of the letter dated

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08/09/2009 and 14/07/2009 with two plans. According to Opponent after furnishing these copies the Complainant again complained that no information was given and the same was offered to him and he collected the same on 18/02/2010.

In short it is the case of the Opponent that whatever information was available has been furnished to him. I have also perused the correspondence on record. In letter dated 11/01/2010 it is mentioned that the Town and Country Planning Department has put on the internet all the information in electronic form specially the comments received from local authorities which includes, letters, resolutions and committee plans etc.

In short according to the Opponent all the information has been furnished. From the record also it appears so.

7. The Complainant/Appellant is absent though he was informed about the date. The very fact he is absent shows that he has perhaps received the information. In the Complaint he mentions about one letter dated 15/06/2009 received from the Village Panchayat. According to Opponent/Respondent some of the information which the Complainant/Appellant is seeking sourced from the Village Panchayat of Loutolim may not be on record. In order to ascertain the same Complainant/Appellant could seek inspection if he so desires.

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8. The Appellant/Complainant prays for monetary penalty. It is seen that letter has been addressed to the Complainant/Appellant within time i.e. within 10 days. In any case there is no delay as such. So the question of penalty does not arise.

9. In view of all the above it appears that information has been furnished and, therefore, intervention of this Commission is not required. Hence, I pass the following order: -

O R D E R

No intervention of this Commission is required.

The Complaint is disposed off.

Pronounced in the Commission on this 23rd day of July, 2010.

Sd/-
(M.S. Keny)
State Chief Information Commissioner

