

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 438/SCIC/2010

Shri Uday A. C. Priolkar,
R/o H. No. C5/55,
Mala, Panaji –Goa.

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Complainant.

V/s

1) State Public Information Officer/
The Dy. Director (Adm.),
P.W.D.,
Altinho, Panaji –Goa.

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Opponent No.1.

2) The Additional Director Vigilance/PIO,
Serra Bldg.,
Altinho, Panaji –Goa.

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Opponent No.2.

Complainant in person.

Opponent in person.

Shri Victor Carvalho on behalf of Opponent No. 2 present.

O R D E R
(21/10/2010)

1. The Complainant, Shri Uday A. C. Priolkar, has filed the present Complaint praying for a direction to the Respondent /Opponent to furnish the information; for penalty of Rs. 250/- per day and for initiating disciplinary proceedings.

2. The gist of Complainant's case is as under:-

That the Complainant, vide his letter dated 06/01/2010, sought certain information under Right to Information Act 2005 ('RTI' Act for short) from the Public Information Officer ('PIO')/Additional Director of Vigilance. That the Additional Director of Vigilance/Public Information Officer transferred the said application under section 6(3) vide letter No. 13/59/2005-VIG (203)/1026 dated 08/04/2010 to the Public Information Officer/Deputy Director (Adm) P.W.D. that the Public Information Officer Opponents failed to provide information within the stipulated time as per the Right to Information Act. Hence the present complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponents resist the Complaint and their say is on record. It is the case of the Opponent No. 1 that the application of the Complainant was transferred to the office of the Opponent No. 1 by opponent No. 2 under section 6(3) of the Right to Information Act, with a request to furnish information directly to the Complainant. It is the case of Opponent No. 1 that the copy of the complaint dated 26/11/2008 filed by the Complainant was not received by the office of the Opponent No. 1 as per the records. The Complainant was therefore requested to make available the copy of the Complaint dated 26/11/2008 to the Opponent No. 1 in order to furnish the information sought by the Complainant under Right to Information Act vide letter dated 16/07/2010. That the Opponent No. 1 is unaware of the contents of the Complaint dated 26/11/2008 and as such the information sought by the complainant could not be furnished to the Complainant. And that the same would be furnished on receipt of the copy of the Complaint.

It is the case of the Opponent No. 2 that he took charge on 07/07/2010. That the application of the Complainant was transferred by his predecessor on 08/04/2010 with a request to furnish information. According to him petition against him be dropped.

4. Heard both sides i.e. Complainant and Opponent No. 2. I have carefully gone through the records of the case. It is seen that Complainant vide his application dated 06/01/2010 sought certain information from Public Information Officer/Addl. Director of Vigilance. By letter dated 08/04/2010 the Public Information Officer/Addl. Director of Vigilance transferred the said application to the Opponent No. 1 to furnish the information. It is to be noted here that under section 6(3) the application is to be transferred at earliest but in no case later than five days from the receipt of the application. It is surprising that the application is transferred on 08/04/2010.

It is seen that information is furnished. Complainant on his part also states that information is furnished.

5. Now it is to be seen whether there is any delay? According to the Complainant there is delay. Apparently there is delay. Firstly there is delay in transferring the application and secondly there is delay in furnishing the information. Opponent No. 1 disputes this. However Public Information Officer/Opponent No. 1 and Public Information Officer/Opponent No. 2 who transferred the application should be given an opportunity to explain the same in the factual matrix of the case in order to see whether it attracts the penal provisions of section 20 (1).

6. In view of the above, since information is furnished no further intervention of this Commission is required. Since there is delay both the Public Information Officers are to be heard on the same. Hence I pass the following order.

ORDER

No intervention of this Commission is required as far as information is concerned.

Issue show cause notice to both the Public Information Officers/Opponents under section 20(1) of the Right to Information Act and they are directed to give reasons to the Commission to show cause why penalty action should not be taken against them for causing delay for furnishing information. The explanation if any should reach the Commission on or before 26/11/2010. Both the P.I.Os shall appear for hearing.

Further inquiry posted on 26/11/2010 at 10.30 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 21st day of October, 2010.

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

