

the stipulated time of thirty days. However, the Appellant received a letter from Assistant Public information Officer dated 06.04.2010 furnishing the information which is not only incomplete but also misleading. It is the case of the Appellant that Public Information Officer/Respondent is required to deal with the request for information and provide the same. The responsibility of the Assistant Public Information Officer is limited and that Assistant Public Information Officer is not authorized under RTI Act either to provide information or to reject the same. That the action of Assistant Public Information Officer in providing incomplete and misleading information in this case is, therefore, in violation of the provisions of the RTI Act. That the Appellant therefore filed Appeal before the First Appellate Authority. That in compliance of the Order of the First Appellate Authority the Respondent furnished information to the Appellant by letter dated 30.05.2010 which was not only incomplete but also misleading in some respects. That the Appellant wrote a letter requesting the Respondent to furnish information within ten days. However, the said request was not handled by the Respondent. Being aggrieved the Appellant filed the present Appeal on various grounds as set out in the memo of appeal.

3. The case of the Respondent is set out in the reply which is on record. In short, it is the case of the Respondent that Appeal is not tenable in law and is based on complete misconstruction and misrepresentation of the provisions of RTI Act. That the Appellant sought information vide application dated 09.03.2010 and the Respondent replied to the same vide letter dated 06.04.2010. That the Respondent has tried to furnish the necessary documents as well as the information sought. It is the case of the Respondent No. 1 that the Order of First Appellate Authority was duly complied. It is further the case of Respondent No. 1 that Respondent No. 1 has filed an application for review before the Labour Court-II. That the Appellant has not made out any case, action u/s. 18 and 20 of RTI Act. That Respondent No. 1 has not acted in a malafide manner and he has not given any misleading

information or refused to furnish any information intentionally nor has withheld any information available with it. That the Appellant has completely misconstrued the provisions of RTI Act. In short, it is the case of Respondent No. 1 that all information is furnished and that appeal be dismissed.

4. Heard the arguments. The Appellant argued in person and Adv. Shri Jatin Ramayya argued on behalf of the Respondent.

The Appellant narrated in detail the facts of the case. According to him some information regarding interest has not been furnished. He next submitted that there is delay in furnishing the information. According to him information has been deliberately not furnished. He also filed written arguments which are on record.

5. Advocate for Respondent No. 1 also referred to the facts of the case and he also submitted about review petition. According to him there is no intentional delay. However, there was some human error. He next submitted that Respondent is ready to give information and further submitted that review petition has been dismissed. He next referred in detail about interest. According to him there is no provision for granting compensation. Advocate for Respondent No. 1 submitted that since information has been fully furnished Appeal be dismissed.

6. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that the Appellant, vide his application dated 09.03.2010, sought certain information from the Respondent. The information consisted of 6 points i.e. Sr. No. 1 to 6. By reply dated 06.04.2010 the Assistant Public Information Officer furnished the information. However the full information was not furnished. This reply is in time. Being not

satisfied the Appellant preferred the First Appeal before the First Appellate Authority. By order dated 22.04.2010 the First Appellate Authority observed:- "The information sought by the Appellant vide letter dated 09.03.2010 is not provided in all the details to the Appellant. The Superintendent of Corporation of the City of Panaji submitted that the sought information is available in the office record and can be provided with full details." The First Appellate Authority directed the Respondent to furnish the information to the Appellant with specific details without charging any fees within a period of ten days from the date of order. It is seen that by letter dated 30.04.2010 the Respondent furnished the information. The said letter was received on 07.05.2010. According to the Appellant full information has not been furnished in pursuance of the order of the Appellate Authority. It is seen that full information is furnished on 30.11.2010.

During the course of the arguments the Appellant states that he has received the full information. However the same has been granted with much delay.

7. Now it is to be seen whether there is any delay in furnish the information.

It is pertinent to note that RTI Act, in general, is the time bound programme between the Administration and the citizen requesting information and every step will have to be completed within the time for presentation of request and disposal of the same, presentation of First Appeal and disposal of the same by Appellate Authority.

According to the Appellant there is delay. Advocate for the Respondent submitted that there is no delay, however, there was a human error. In any case Public Information Officer should be given an opportunity to explain the same in the factual matrix of this case.

8. In view of the above, since the information is furnished no intervention of this Commission is required. The Respondent is to be heard on delay. Hence, I pass the following order:

ORDER

Appeal is partly allowed. No further intervention of this Commission is required as information is already furnished. Prayer (c) is to be granted.

Issue notice under section 20(1) of the RTI Act to Respondent No. 1/Public Information officer to show cause why penalty action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 21.01.2011. Public Information Officer/Respondent No. 1 shall appear for hearing.

Further enquiry posted on 21.01.2011.

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

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