

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 146/SIC/2010

Shri I. Samuel Raju,
H. No. 706/A, Acsona,
Pendolpem, Benaulim,
Salcete – Goa

... Appellant.

V/s.

1) Public Information Officer,
Village Panchayat Cana Benaulim,
Salcete – Goa

... Respondent No. 1.

2) Block Development Officer,
Salcete – II,
Margao – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

J U D G M E N T
(06.01.2010)

1. The Appellant, Shri I. S. Raju, has filed the present Appeal for a review of the Order and praying for appropriate action on the erring officials for giving wrong information and also for giving suitable compensation.

2. It is seen that the Appellant herein, vide his application dated 30.09.2008 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short). The Respondent by letter dated 29.10.2008 provided the information. Being not satisfied the Appellant preferred the Appeal before the First Appellate Authority. By Order dated 02.12.2008 the First Appellate Authority dismissed the Appeal holding that it did not

find anything wrong in the said reply given by the Respondent. Being aggrieved by the said Order the Appellant preferred the Second Appeal bearing No. 243/SIC/2008. By Order dated 20.10.2009 the Appeal was dismissed. Being aggrieved the Appellant has preferred the present review which was received on 22.04.2010.

3. The Respondent No. 1 and 2 have filed their replies which are on record. According to them First Appellate Authority dismissed the Appeal and State Information Commission also dismissed the Appeal and that nothing survives in the present Appeal. According to them Appeal is to be dismissed.

4. I have heard both sides and carefully perused the records. It is seen that application was filed on 30.09.2008. Appellant was not satisfied with the reply, hence he preferred the Appeal before First Appellate Authority; however, the Appeal was dismissed. The Appellant preferred Second Appeal and the same was dismissed by Order dated 20.10.2009.

During the course of hearing of this application Secretary of Village Panchayat Cana Benaulim wrote a letter dated 07.10.2010 stating as under:

“I apologise for giving you wrong information to you by previous Secretary of V.P. Cana-Benaulim. The application filed by you on R.T.I. matter dated 21.08.2008.

Further to say that in future I take care that such incidences will not occur again. I may be excused for this.”

This is signed by Deepak K. Chari, Secretary, V.P. Cana Benaulim.

5. This matter, i.e. Appeal No. 243/SIC/2008 was disposed by State Information Commissioner, Afonso Araujo by Order dated 20.10.2009. Review application is received on 22.04.2010. It is not possible to grant

the request firstly because the Order is of State Information Commissioner (who is now retired) and secondly, the same is filed much beyond time. Apart from this there is no power to review the Order more so, in the factual backdrop of this case.

6. According to the Appellant information furnished is false information and he referred to the letter dated 07.10.2010. The application which is the subject matter of the Appeal, is dated 30.09.2008 and the application referred in the letter is 21.08.2008. The present Secretary admits that earlier Secretary gave false information.

The purpose of R.T.I. Act is to give information – information correct to the core. However, Public Information Officer states that earlier Public Information Officer/Secretary gave wrong information. This trend is not certainly good as authorities i.e. Public Information Officer is duty bound to furnish correct information. This attitude is to be strongly condemned. In the instant case and in the factual backdrop of this case it is not possible to penalize the Public Information Officer as the matter concerning information sought vide application dated 30.09.2008 is disposed off. Secondly, the letter dated 07.10.2010 refers to the application dated 21.08.2008. In any case superior authorities should take note of this fact. Even First Appellate Authority, as the case may be, should see that correct information is furnished and should not blindly rely simply on the reply filed by the Public Information Officer.

Public Information Officer is warned that he should not repeat such things in future. This Commission accepts the apology tendered by the Public Information Officer/Respondent herein and also the assurance given that in future they will not repeat such things.

7. Appellant wants that suitable action be taken on the Secretary and Block Development Officer. As I pointed above it is not possible to

penalize on technical grounds. However, the above warning would meet the ends of justice. It is said 'a fault confessed is half redressed.'

8. In view of the above, I pass the following Order:

ORDER

With the above observations the Appeal is disposed off.

Pronounced in the Commission on this 06th day of January, 2011.

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

