

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 599/SCIC/2010

Dinesh B. Vaghela,
Navagauri Apartments.
IIInd Floor, NH-17,
Alto Porvorim-Goa

....

Complainant.

V/s

Public Information Officer,
O/o. the Principal Chief Engineer,
P.W.D., Altinho,
Panaji –Goa.

....

Opponent.

Complainant in person.
Opponent in person.

O R D E R
(08.02.2011)

1. This is a Complaint filed by the Complainant, Dinesh B. Vaghela, praying that the Opponent be directed to provide the Complainant complete and correct information sought by the Complainant vide his application dated 28.10.2010; that penalty be imposed and disciplinary proceedings be initiated.

2. The brief facts leading to the present complaint are as under:

That the Complainant, vide his application dated 28.10.2010 sought certain information from the Opponent under Right to Information Act 2005 ('R.T.I. Act' for short). That the Complainant received a copy of the letter dated 1.11.2010 from the Opponent by post informing that his application has been forwarded to the Superintending Engineer; Circle Office IX, P.W.D. Altinho, Panaji-Goa under section 5(4) of the RTI Act. That the Complainant has received one more copy of letter dated 01.11.2010 from the Opponent by post informing that his application has been transferred to the Exe. Engineer Div. VII PWD, Panaji Goa under section 6(3) to provide information. That the Complainant has received a copy of the letter from the O/o the Superintending Engineer Circle Office IX (NH) PWD, Altinho, Panaji dated 08.11.2010 addressed to the Project Director NHAI, Mormugao for necessary

action. That the Complainant has received a letter from NHAI dated 22.11.2010 informing him that he can obtain information from the State PWD Authority. It is the case of the Complainant that he is put into merry-go-round and kicked like a football by both the authorities and this is nothing but dictatorial mindset of the government officers where they do not have any respect or regard for the RTI Act. That they are not only trying to avoid giving information but they are insulting the citizens as well as the Act. That the Opponent has deliberately and with malafide intentions withheld the disclosure as the Opponent has committed certain irregularities in dealing with the subject –matter. Hence the present Complaint.

3. The case of the Opponent is set out in the reply which is on record. It is the case of the Opponent that since the information is not available with the Opponent the same was transferred to the concerned Public Information Officer/Executive Engineers under section 6(3) of R.T.I. Act with a copy endorsed to the Complainant. That the Complainant has been advised to obtain the information from Project Director National Highway Authority of India, Project Implementation Unit, Vasco-da-Gama vide letter dated 26.11.2010 by the Executive Engineer, Division XV, P.W.D. with a copy endorsed to the Opponent in terms of Office Memorandum dated 24.09.2010. That the copy of the Application was also forwarded under section 5(4) of the R.T.I. Act. That the Project Director, NHAI, Headland Sada, Goa, vide letter dated 22.11.2010 addressed to the Complainant has informed that the alignment of both Highways are under finalization and will be supplied after finalization and approval from NHAI/Ministry of Road Transport and Highways. It is also the case of the Opponent that the copy of M.O.U./Agreement between NHAI and Government of Goa has not been received by the concerned Superintending Engineer, Circle IX (NH), P.W.D., Goa till 15.12.2010.

4. Heard the Complainant and the Opponent. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. First it is to be seen whether information is furnished and secondly whether the

same is furnished in time. During the course of his arguments Shri Vaghela submits that information is furnished. Since information is furnished no intervention of this Commission is required on this count.

5. Now it is to be seen whether there is any delay in furnishing the information. According to the Complainant there is delay. It is seen that application is dated 28.10.2010. The same was transferred to Superintending Engineer Circle Office IX P.W.D. Altinho, Panaji-Goa, under section 5(4) vide letter dated 01.11.2010 who transferred the same to Project Director, National Highway Authority of India on 08.11.2010. By letter dated 22.11.2010 Project Director NHAI informed the Complainant that they did not have a CD containing final proposal for expansion finalization. Regarding copy of M.O.U./Agreement the Complainant was advised to obtain from P.W.D. authorities. It is seen that apparently there is delay in furnishing the information. However Public Information Officer and the concerned Department/Officer i.e. Chief Engineer I, P.W.D., Altinho, Panaji and the Superintending Engineer, Circle Office IX, P.W.D., Altinho, Panaji should be given an opportunity to explain the same in the factual matrix of this case.

6. In view of the above, since information is furnished no intervention of this Commission is required. Since there is delay the Opponent and Chief Engineer I, P.W.D., Altinho, Panaji and the Superintending Engineer, Circle Office IX, P.W.D., Altinho, Panaji are to be heard on the same. Hence I pass the following Order:

ORDER

Complaint is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice under section 20(1) of the R.T.I. Act to the Opponent/Public Information Officer and the Chief Engineer I, Public Works Department, Altinho, Panaji and to the Superintending Engineer, Circle Office IX, P.W.D., Altinho, Panaji to show cause why penalty action should not be taken against them for causing

delay in furnishing information. The explanation, if any, should reach the Commission on or before 09.03.2011. The Public Information Officer/Opponent and the Chief Engineer I, P.W.D., Altinho, Panaji and also the Superintending Engineer, Circle Office IX, P.W.D., Altinho, Panaji shall appear for hearing.

Further inquiry posted on 09.03.2011 at 10:30a.m.

Pronounced in the Commission on this 08th day of February, 2011.

Sd/-
(M. S. Keny)
State Information Commission

