

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 152/SIC/2010

Shri G. D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim - Goa

... Appellant

V/s.

1) Public Information Officer,
Secretary,
Village Panchayat Penha de Franca,
Britona,
Bardez - Goa

... Respondent No.1.

2) First Appellate Authority,
Block Development Officer,
Bardez,
Mapusa - Goa

... Respondent No. 2.

Appellant in person.

Adv. A. Mandrekar for Respondent No. 1.

J U D G M E N T **(26.05.2011)**

1. The Appellant, Shri G. D. Phadte, has filed present Appeal praying that the Public Information Officer be directed to provide information sought; that penalty be imposed on the Public Information Officer for giving misleading information and for delay in furnishing information and that disciplinary action be initiated against the Public Information Officer.

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

That the Appellant vide application dated 18.03.2010 sought certain information under Right To Information Act, 2005 ('RTI Act' for short) from the Public Information Officer(PIO)/Respondent No.1. That Respondent No. 1 neglected to provide information within prescribed time limit under RTI and hence, the Appellant preferred First Appeal before the First Appellate Authority/Respondent No. 2. That the FAA by Order dated 10.05.2010 directed the PIO to furnish

information and inspection of records within seven days. That the PIO neglected and/or did not comply the Order of the FAA and called the Appellant to collect information on 18.05.2010 after the time fixed by FAA/BDO. That despite PIO did not provide information on 18.05.2010 and called the Appellant again on 26.05.2010 and even then did not provide information. It is the case of the Appellant that PIO gave misleading information on 27.05.2010. That the Appellant informed PIO that information is not as per request. Being aggrieved the Appellant has preferred the present Appeal praying the above mentioned relief.

3. In pursuance of the notice the Respondent No. 1 appeared. The Respondent did not file any reply as such. However, Adv. Shri A. Mandrekar advanced arguments.

4. Heard the Appellant as well as Adv. Shri Mandrekar and perused the records. During the course of hearing Appellant submitted that information is received. However, there is much delay in furnishing the information. According to Adv. Shri Mandrekar information is furnished in time and that there is no much delay as such.

5. It is seen that as per the letters on record there is no delay as such. However, according to the Appellant these letters were posted much later. According to him the letters are backdated. This is disputed by the Advocate for Respondent No. 1. In any case PIO/Respondent No. 1 should be given an opportunity to explain about the same in the facts of this case.

6. In view of all the above, no intervention of this Commission is required as information is furnished. Since there is delay the Respondent No. 1 is to be heard on the same. Hence, I pass the following Order:

ORDER

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

Issue notice under section 20(1) of the RTI Act to Respondent No. 1/PIO to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach this Commission on or before 29.06.2011.

PIO/Respondent No. 1 shall appear for the hearing.

Further inquiry posted on 29.06.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 26th day of May, 2011.

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

