

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal 80-SIC-2009

Mr. Frank G. Rodrigues,
H.No. 1903, Sonkremvaddo,
P.O. Shiroda, Ponda-Goa

... Appellant.

V/s

1) Dy. Collector & S.D.O.,
Officer of the Dy. Collector & SDO,
Ponda-Goa

... Respondent No.1.

2) The Addl. Collector &
The First Appellate Authority, RTI,
Collectorate of North Goa
Panaji-Goa ,

... Respondent No.2.

P/A.Mr Rodrigues present for Appellant
Adv. Smt. N. Narvekar for Resp.no.2

JUDGEMENT
(12-07-2011)

1. The Appellant, Shri Frank G. Rodrigues, has filed the present Appeal praying that information/documents asked to be furnished to him as per his application dated 12/03/2009.

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

That the Appellant, vide his application dated 12/03/2009, sought certain information under Right to information Act, 2005,(R.T.I. Act for short) from the Public Information Officer (P.I.O.)/Respondent No.1. That the Respondent No.1 vide letter dated 01/04/2009, issued me an intimation stating that after physical verification the said court file bearing NO.LRC/COR/29/25/93 could not be traced and, however, efforts are being made to trace the same. That a reminder under R.T.I. Act dated 30/04/2009. was once again submitted in the same matter and to issue certified copy of judgment and

order in the said LRC/COR/29/25/93 and for inquiry about the status and time limit to trace the file in the above case. That the file not traced till date and that no information is furnished so far.

Being aggrieved the Appellant has filed the present appeal.

3. That the Respondent No.1 resists the appeal and the reply of the Respondent no.1 is on record. In short it is the case of the Respondent no.1 that the application seeking information was received and on search of the relevant records the information could not be traced out. That the Appellant was informed, vide letter dated 01/04/2009, that the information would be furnished supplied immediately when the same is traced out. That the Appellant by his letter dated 30/04/2009, had made inquiry as to whether the search has been finished. That on thorough search the file pertaining to the case NO.LRC/COR/29/25/93 was finally traced on 21/05/2009 in the office of the Respondent No.1. However, order passed on 30/09/1993 in the said matter was not available in the said file duly traced and the original copy of the said order bearing NO.LRC/COR/29/25/93 dated 30/9/1993 was procured from the office of the Talathi, Shiroda-Village Panchayat and thereafter certified copy was given to the Appellant who denied to accept the same. That the Appellant by his letter dated 23/07/2009 requested to issue certified copy of all the documents pertaining to file No. LRC/COR/29/25/93 and the same were furnished to him. That the Appellant preferred the appeal before the First Appellate Authority/Respondent No. 2. By order dated 5/10/2009, the F.A.A. directed to locate the said documents and issue copy to the Appellant within 30 days. That, in the meantime, the Appellant preferred the present

appeal. It is further the case of the Respondent No.1, that the Respondent No.1 handed over to the Appellant certified copy of the order and the Appellant was also informed that there is no judgment available in the records. According to the Respondent No.1 nothing survives in the appeal and the appeal is liable to be dismissed.

4. Heard the arguments of the Appellant and the Respondent No.1 and perused the record.

It is seen that the Appellant vide application dated 12/03/2009, sought certain information i.e a certified copy of judgment and order of case No.LRC/COR/29/25/93 dated 30/08/1993, under survey No.72/20 situated at Shiroda Ponda-Goa. By reply dated 01/04/2009, the Respondent No.1 informed the Appellant that the said file is not yet traceable in the office records. It was also informed that the search is still in progress, the certified copy asked by him will be immediately supplied when the same is traced out. It is seen that letter dated 30/04/2009, was sent by the Appellant. It is seen that the Appellant preferred first appeal. By order dated 05/10/2009 the F.A.A./Respondent No.2 directed Respondent No.1 to locate the judgment and order and issue certified copy to the Appellant within 30 days from the receipt of the order. The order also speaks about fixing responsibility.

In short the copy of the judgment and order is not traceable in the records.

It appears that the Respondent no.1 procured the original copy of the said order from the office of the Talathi, Shiroda Village Panchayat and copy of the same was furnished to the

appellant. It is to be noted that what is furnished is copy of the order

5. No doubt the case is of the year 1993, however the judgment is not traceable. The order is brought by P.I.O. from the office of Talathi, Shiroda, Village Panchayat. This is a good sign. However under R.T.I. only information available in the material form is to be provided.

I have perused some of the rulings of the Central Information Commission on the point. The rule of law now crystallized by these ruling is that information/documents that is not available cannot be furnished. Right to information Act can be invoked only for access to permissible information.

6. Since the documents is not traceable the same cannot be furnished. However order is furnished after getting the same from the Office of Talathi of Shiroda Village Panchayat. In view of this no intervention of this Commission is required. Hence I pass the following order:-

ORDER

No intervention of this Commission is required. The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 12th day of July , 2011

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

