

# **GOA STATE INFORMATION COMMISSION AT PANAJI**

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

Appeal No. 79/SCIC/2011

Shri G. D. Phadte,  
898, Nila Niwas, Alto Torda,  
Porvorim P.O.  
Goa - 403 521

.... Appellant

V/s.

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

.... Respondent No. 1.

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

.... Respondent No. 2.

Appellant in person.

Respondent No. 1 and 2 in person

## **J U D G M E N T** **(19.07.2011)**

1. The Appellant, Shri G. D. Phadte, has filed the present Appeal praying that Public Information Officer be directed to provide correction information to query No. 2 and 3 and inspection of records; that penalty be imposed and also compensation be granted; that Public Information Officer be directed to provide census duty order with records of duty performed, etc., and for recommending disciplinary action for false or misleading submission, if sought records proved otherwise.

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

That the Appellant, vide application dated 05.02.2011, sought certain information under the Right to Information Act, 2005 ('R.T.I. Act' for

short) from the Public Information Officer (PIO)/Respondent No. 1. That the PIO failed to provide information within the prescribed time limit. Hence, the Appellant preferred Appeal before the First Appellate Authority (FAA)/Respondent No. 2. By reply dated 01.04.2011 the PIO furnished the information before Respondent No. 2/FAA and that FAA closed the Appeal. It is the case of the Appellant that on perusal of the said information it is found that the same is incomplete, incorrect and misleading in respect of query No. 2 and 3 and that no inspection of records provided.

3. Being aggrieved the Appellant has preferred the present appeal. In pursuance of the notice issued Respondent No. 1 and 2 appeared. They did not file any reply as such. However, Respondent No. 1 advanced arguments.

4. Heard the arguments and perused the records. It is seen that by application dated 05.02.2011 the Appellant sought certain information. The said application was received on the same day. It is seen that no reply was furnished within 30 days and hence the Appellant preferred Appeal before the FAA. It is seen from record that information was furnished by the PIO before FAA on 01.04.2011. There is endorsement of the Appellant on the reply of the Respondent produced before the Court.

During the course of arguments Appellant states that he has received full information and he is satisfied with the information. The

only grievance of the Appellant is that there is delay in furnishing the information. The information was sought by letter dated 05.02.2011. The information was furnished as per records on 01.04.2011. Apparently, there is some delay. In any case, the Respondent No. 1/PIO is to be heard on the same.

5. Since information is furnished no intervention of this Commission is required. The Respondent No. 1 is to be heard on the aspect of delay. Hence, I pass the following Order:-

### **ORDER**

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

Issue notice under section 20(1) of the RTI Act to the PIO/Respondent No. 1 to show cause why penal action should not be taken against him for delay in furnishing information. The explanation, if any, should reach the Commission on or before 29.08.2011.

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

Further inquiry posted on 29.08.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 19<sup>th</sup> day of July, 2011.

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





