

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Comp. 606/SCIC/2010

Mr. Edwin S. Colaco,
R/o H.No. SF4, 2nd Floor,
Rodrigues Apts, Behind Edmar House
Ela, Old Goa

...Complainant

V/s

The State Public Information Officer,
Department of Social Welfare ,
Panaji-Goa

...Opponent

Complainant in Person
Opponent present

ORDER
(29-06-2011)

1. The Complainant, Shri Edwin S. Coloco, has filed the present Complaint praying that the opponent be directed to furnish the documents sought by the Complainant in his application dated 10/08/2010 and that the Respondent be dealt with in accordance with the provisions of section 20 of the R.T.I. Act.

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

That the complainant, vide his application dated 10/08/2010, sought certain information under Right to Information Act, 2005 (R.T.I. Act for short) from the Opponent/Public Information Officer (P.I.O.) . That the Opponent failed to provide the information which is in complete violation of the rules and procedures envisaged under R.T.I. Act. Hence the present complaint.

3. The Opponent resists the complaint and the reply is on records. It is the case of the Opponent that the Complainant had filed two application dated 29/06/2010 and 30/06/2010 under Right to Information Act and the information available with the Department was furnished to the Complainant on 5/8/2010. That the complainant

filed an appeal before the First Appellate Authority (F.A.A.) on 4/8/2010. The Appeal was posted on 27/08/2010 and then on 2/9/2010 on which date Opponent filed the reply. It is further the case of the Opponent that the application of the Opponent dated 10/08/2010 is not received by the P.I.O. /Opponent and the same was not traceable in the Department of Social Welfare, however, the Complainant was informed about the same when he approached the P.I.O. and he was requested to provide a copy of the application. The Complainant refused to provide a copy of the application. That the complainant filed the present complaint directly before the Commission without making appeal before F.A.A.

4. Heard the Complainant and the Opponent.

According to the Complainant specific information was asked and the same was not furnished. According to him there is delay in furnishing information.

During the course of his arguments the Opponent submitted that whatever information was asked was furnished earlier. Next he submitted that the application seeking information was not received by him and that the same could not be traced. That there was delay as the application could not be traced.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not.

It is seen that the complainant vide application dated 10/08/2010 sought certain information from the Opponent. It appears that application was presented on the same day and there is also seal of Directorate of Social Welfare with signature in token of having received.

It is the case of the Opponent that the application of the Complainant was not received by the Opponent and the same was

not traceable in the Department of Social Welfare. According to the Opponent when the Complainant approached him he was informed about the same and he was requested to provide a copy of the application and that Complainant refused to provide a copy of the application to the Opponent. However there is nothing on record by way of letter to the complainant etc. In any case this is to be seen at proper stage.

Since information is not furnished, to my mind, the Opponent should deal with the application. In case the application still is not there the Opponent can take a copy from the records of the Commission.

6. Now it is to be seen whether there is delay. It is to be noted here that information ought to have been furnished within 30 days. It is the contention of the Opponent that he did not receive the application and besides the Complainant when asked did not furnish the copy. Admittedly there is delay. however, the Opponent/P.I.O. should be given an opportunity, to explain the same in the factual matrix of this case.

7. It was contended that the First Appeal is not filed normally complainant should have preferred the First Appeal. However in any case since the matter is to be dealt by P.I.O. this time complaint is entertained keeping in mind the spirit behind RT.I. Act.

8. In view of all the above, the Opponent to deal with the application and /or furnish the information strictly in accordance with law. The Opponent is to be heard on the point of delay. Hence I pass the following orders;-

ORDER

The Complaint is allowed and the Opponent is hereby directed to deal with the application of the complainant and /or furnish information strictly in accordance with law within 20 days from the date of receipt o this order.

Issue notice under section 20(1) of the R.T.I. Act to opponent/Public Information Officer to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any , should reach the Commission on or before 17/08/2011, Public Information Officer/Opponent shall appear for hearing.

Further inquiry posted on 17/08/2011 at 10.30 a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 29th day of June , 2011

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

