

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Appeal No.165/SCIC/2010

Kalpana Vithal Nagvenkar,
Flat No.2D, 2nd Flr,
Hill-Crown Apartments,
Nr Saldana Busines Towers,
Mapusa-Bardez_Goa

...Appellant.

V/s

1) Public Information Officer,
Block Development Officer,
Mapusa-Goa.

... Respondent No.1

2) The First Appellate Authority,
Director of Panchayats,
Junta House, Illrd flr.
Panaji-Goa

... Respondent No.2

Appellant in Person

Respondent No 1.present

Respondent No.2 absent

JUDGEMENT

(20/07/2011)

1. The Appellant, Kalpana Vithal Nagvekar, has filed the present appeal praying that the information sought be furnished to her

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

That the Appellant had given a complaint to B.D.O. to revoke license, NOC given to Milagrina Rodrigues.

That the Appellant, vide application dated 08/04/2010, 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 did not furnish the information within 30 days. Being not satisfied the Appellant preferred an

appeal. That thereafter she received a reply. Since the reply is unsatisfactory and the questions are unanswered the Appellant has preferred the present appeal.

3. The Respondents resist the appeal and their replies are on the records.

It is the case of the Respondent No.1 that the Appellant has made an application dated 08/04/2010 and sought certain information under R.T.I. Act, 2005. That the information could not be furnished within the stipulated time as the same was misplaced from concerned register by the dealing hand. That the required information has been forwarded to the Appellant through post prior to filing of first appeal. That the appeal was filed and the same was disposed off by the First Appellant Authority. In short according to the Respondent No.1 the necessary information has been furnished to the Appellant. That the appeal be dismissed.

It is the case of Respondent No.2 that the Appellant had filed the first Appeal which was addressed to the Director of Panchayats. However, considering that the first Appellate Authority against the orders of the Block Development Officer is the Dy. Director of Panchayats the same was marked to the Dy Director of Panchayats, North. That accordingly the Dy. Director of Panchayats has taken cognizance of the appeal dated 03/06/2010

filed by the Appellant and issued notices to the parties and thereafter passed the order.

4. Appellant remained absent of course the appellant informed her inability to remain present.

5. Heard the Respondent No.1 and perused the records.

It is seen that by letter dated 08/04/2010 the appellant sought the information as under:-

“(1) Any action taken by Block Development Office after submitting the complaint dated 01/04/2010.

(2) Any Report , investigation done by B.D.O.

(3) Any report submitted by Gram Panchayat Assagaon.

(4) Any statement, reply given by Milagrina Rodrigues and Maria Rodrigues.

(5) Any report submitted to Director of Panchayats”

It appears that no information was furnished and as such the Appellant preferred the Appeal before the First Appellate Authority Director of Panchayat. It is to be noted here that Director of Panchayat is not the First Appellate Authority but Dy. Director of Panchayats (North) is the F.A.A. The Director of Panchayat rightly transferred the same to the Dy Director of Panchayats who disposed the appeal

The appeal was dismissed for default of the Appellant. This appears to be not correct. The appeal ought to have been decided on merits.

In the meantime by letter dated 15/06/2010, the reply/information is furnished.

6. The grievance of the Appellant is that information is not satisfactory and her questions are unanswered .

I have perused the complaint/ letter dated 01/04/2010 addressed to the Secretary Village Panchayat of Assagaon Bardez-Goa . The copy is sent to (i) B.D.O., (ii) Director of Panchayats and (3) Minister of Village Panchayat.

In this context the above information is sought. It appears the Respondent No.1 has not taken any action as no records are with them as can be seen from reply dated 15/06/2010. It is to be noted here that under R.T.I. Act information that is not available cannot be furnished. The right to information Act can be invoked only for access to permissible information.

7. Now it is to be seen whether there is any delay in furnishing information. It is seen that application is dated 08/04/2010. The reply is dated 15/06/2010 apparently there is delay.

According to P.I.O./Respondent No.1 delay is as the said application was misplaced from the concerned register by the dealing hand. There is no reason to disbelieve the same. However such things should not be tolerated . B.D.O. or any officer appointed by him to conduct inquiry about the misplacement and take action in accordance with law.

8. In view of all the above since information is furnished 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 B.D.O. or any officer appointed by him to conduct an inquiry about misplacement of application/letter and take action in accordance with law.

The Appeal is Accordingly disposed off.

Pronounced in the Commission on this 20th day of July, 2011.

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