

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.568/ SIC/2010

Shri Ajit S. Porob,
R/o.Kailas Nagar,
Assonora, Bardez - Goa

... Complainant

V/s

The Public Information Officer,
District & Session Court,
North Goa, Panaji

... Respondent

Complainant absent.

Opponent absent. Her representative Shri F.Coutinho present.

ORDER
(24/10/2011)

1. The Complainant, Shri Ajit S. Porob, has filed the present complaint praying that the records and proceeding before the opponent be called for; that the opponent be directed to furnish the information sought by the complainant in accordance with his application dated 12/07/2010 free of cost since the appellant has failed to provide the information within the stipulated period; that disciplinary proceeding be initiated and that penalty be imposed on the opponent.

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

That the complainant vide his application dated 12/07/2010, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/opponent. That till 14/10/2010 the opponent neither bothered to intimate the complainant about the status of the application nor furnished any information to this Complainant. That on the contrary the opponent vide its letter dated 12/10/2010 rejected the application of this complainant which letter was served to this complainant on 15/10/2010. That the complainant has illegally withheld the information thus obstructing the access to the information and hence given misleading information in the said letter dated 12/10/2010 thereby once again directing this

complainant to make application to the Senior Civil Judge at Ponda when the opponent is well aware of the fact that the Senior Civil Judge has forwarded the initial R.T.I. application dated 23/6/2010 filed by this Complainant to the opponent he/she being a P.I.O. in R.T.I. matters. That the complainant has violated section 7(1) of the R.T.I. Act and as such there has been a delay of more than 80 days for which opponent be penalized and that disciplinary action be initiated. Hence the present complaint.

3. The opponent resists the complaint and the reply is on record. It is the case of the opponent that on going through the records it is seen that the complainant has made an application dated 12/7/2010 under the Right to Information Act. That in exercise of powers conferred under Sec.5(1) and (2) of the R.T.I. Act r/w Rule 14 of the Goa, Daman and Diu and Dadra and Nagar Haveli, District Court Right to Information Rules, 2009 the Hon'ble Chief Justice, vide the notification dated 30/11/2009 published in the Official Gazette, Government of Goa at Series II No.40 dated 31/12/2009 was pleased to designate the Registrar of District & Sessions Court, North Goa, Panaji as P.I.O. for District and Subordinate Courts. That the Registrar of District and Sessions Court, Panaji who was the Public Information Officer was relieved on 12/7/2010 in view of his transfer vide letter dated 12/7/2010 in order to take over the charge of Registrar/C.A.O. of the District & Sessions Court, South Goa, Margao, in lieu of the voluntary retirement of the Registrar of the said Court. That the post of Registrar who was designated as P.I.O. for District and Subordinate Courts in the North Goa District remained vacant till 7/10/2010 and only by order dated 8/10/2010 the opponent got promoted to the post of Registrar and took charge of the said post on the same day. That the application dated 12/7/2010 was placed before opponent when the opponent was promoted as Registrar. That accordingly, vide letter dated 12/10/2010 intimation was sent to the complainant. Opponent denies that opponent has illegally withheld the information obstructing the access to the information and has given misleading information. That as per rule 10(3) of the rules "if information sought by the applicant is in respect of judicial proceeding on record, he shall obtain the information as per the procedure prescribed for obtaining certified copies under the Rules and Orders for the time being in force on that behalf ". That as the information sought

by the Complainant was in respect of the judicial proceeding pending before the Sr. Civil Judge at Ponda his application was rejected and he was directed to make necessary application to the senior civil judge at Ponda for certified copy of the order as per the procedure prescribed in the Civil Manual issued by the Hon'ble High Court. That the opponent has not violated Sec.7(1) nor failed to perform her duties and acted in arbitrary manner. That the opponent acted as per rules.

4. It is seen from records that Complainant did not remain present. However, his representative Shri Rupesh Porobo remained present for two hearings. Thereafter he also remained absent. Various opportunities were given to the Complainant. In any case I am proceeding on the basis of record.

5. Heard the opponent and perused the records.

It is seen that complainant by letter dated 23/6/2010 sought certain information from P.I.O. Civil and Criminal Court Ponda who by letter dated 28/6/2010 sent to the opponent. By letter dated 30/6/2010 the P.I.O. informed the Complainant that as per rules the application should be in Form A. It appears that accordingly by application dated 12/7/2010 the complainant filed in the proper proforma. That by letter dated 12/10/2010 the P.I.O./Opponent informed the Complainant as under:-

“The information sought by you is in respect of disposed judicial proceedings which can be obtained by following the procedure prescribed for obtaining certified copies as per the civil manual. Hence your application dated 23/6/2010 registered under No.29/2010 is hereby rejected as per Rule 10(3) of Goa, Daman & Diu and Dadra Nagar Haveli, District Courts, Right to Information Rules, 2009 framed by the Chief Justice of the High Court of Judicature at Bombay and published in the Official Gazette, Government of Goa, Series I No.25, dated 17th September, 2009.

You may make necessary application to the Senior Civil Judge at Ponda for certified copy of the order as per the procedure prescribed in the Civil Manual issued by the Hon'ble High Court”.

In view of the above information was not furnished.

I have perused the said rule 10(3). The same is framed by the competent authority and therefore the same is binding. The complainant will have to follow the same.

6. The complainant has also stated about delay. No doubt there is delay i.e. application is dated 12/7/2010 and the reply is furnished on 12/10/2010. It is seen that at the relevant time Shri D. Redkar was P.I.O. but on 12/7/2010 he was transferred. I have perused the relieving order on record. There was no P.I.O. P.I.O. was appointed on 7/10/2010 i.e. Smt. Aruna B. Gaunekar was promoted as Registrar and she became the P.I.O. It is seen that by letter dated 12/10/2011 the information was furnished i.e. informed as above. I have also perused the order dated 8/10/2010 on record. Considering this aspect responsibility for delay cannot be placed on the P.I.O. In any case the same is to be condoned.

7. Apart from this, this complaint is not maintainable. The reply dated 12/10/2010 was received by Complainant as can be seen from para 3 (though not numbered) of the complaint. Letter also mentions about First Appellate Authority. The complainant ought to have preferred the First Appeal. In any case Complainant should take note of the same in future.

8. In view of all the above I pass the following order :-

ORDER

No intervention of this Commission is required in view of the reply dated 12/10/2010. The complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 24th day of October, 2011.

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