

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.63/SIC/2011

Shri Manuel Rodrigues,
R/o.Penha de France,
Malim, Bardez-Goa

... Appellant.

V/s.

1. The Public Information Officer,
Village Panchayat of Penha de Franca,
Malim, Bardez-Goa

2. The First Appellate Authority,
Block Development Officer,
Bardez-Goa

... Respondents

Appellant in person.

Respondent No.1 and Respondent No.2 absent.

Adv. G. S. Kubal for respondent No.1

J U D G M E N T
(16/01/2012)

1. The Appellant, Shri Manuel Rodrigues, has filed the present appeal praying that the Public Information Officer (P.I.O.) be directed to furnish with the requested information to his queries 1 to 6 in his application dated 8/12/2010 free of cost; that penalty be imposed on the P.I.O. and that the appellant be compensated for mental stress and harassment.

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

That the appellant, vide letter dated 8/12/2010, 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 P.I.O. did not furnish the information within the stipulated time limit and hence the appellant preferred the appeal before the First Appellate

Authority(F.A.A.)/Respondent No.2. That by order dated 7/3/2011 the respondent No.2 directed the P.I.O./Respondent No.1 to handover complete information to the appellant within a period of 10 days. It is the case of the appellant that the P.I.O. failed in his duties to provide the information even after a lapse of 15 days from the date of order of First Appellate Authority. Being aggrieved the appellant has filed the present appeal.

3. The respondent resist 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 post of Secretary is transferable and in addition to his volumes of public duties, The secretary of Village Panchayat is notified as the P.I.O. That Village Panchayat of Penha de Franca is one of the most developed Panchayat. That this P.I.O. has assumed charge as Secretary in the month of June, 2011 as the earlier Secretary is transferred on promotion and on the basis of records it is submitted that the application dated 8-12-2010 of the appellant was received on the same day. That after carrying necessary search, the P.I.O. vide his information dated 30/12/2010 furnished information to the appellant. That the application was not bonafide and to harass the panchayat employees. That the appellant, in spite of information being furnished filed first appeal. The respondent No.1 denies that no information was furnished to the appellant. That the appellant has not explained as to what further information he requires and he has at no point of time has stated or explained of his not satisfaction of the information already furnished. That the respondent has furnished all the information as per his common prudence. That in respect of information sought at point No.6, it is difficult to explain or to provide reasons or circumstances under which the Panchayat acts. In short according to the respondent No.1 full information is furnished and that appeal be dismissed.

3. Rejoinder of the appellant is on record. As per the same, no information is furnished so far.

4. Heard the arguments. The appellant argued in person and Advocate Shri Kubal argued on behalf of the respondent No.1.

According to the appellant no information is furnished. Whereas according to advocate for Respondent No.1 information was furnished.

6. 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 vide application dated 8/12/2010, the appellant sought certain information. The information consisted of 6 items, i.e.Sr. No.1 to 6. According to the appellant since information is not furnished he preferred an appeal before the First Appellate Authority. By order dated 7/3/2011 the F.A.A. ordered the respondent to hand over the complete information to the appellant within 10 days. It is the grievance of the complainant that even this order is not complied with.

7. There is nothing on record to show that this order is complied with.

It is to be noted here that this order has not been challenged and therefore the same stands and therefore the respondent No.1 has to comply the same. Since the same has not been complied the respondent No.1 will have to comply the same. Besides the same has not been challenged.

8. The appellant contends that there is delay in furnishing the information. This is disputed by the Adv. for respondent No.1. According to him information was furnished by letter dated 30/12/2010. In the reply also respondent No.1 contends that full information is furnished. Along with the reply a letter dated 30/12/2010 is produced. If this letter is considered then the same is within time. In any case to my mind the opponent should be

given an opportunity to explain the same in the factual backdrop of this case.

9. In view of all the above the respondent No.1 to comply with the order dated 07/03/2011. The respondent No.1 should be given an opportunity to explain about delay and also should be heard on the same. Hence I pass the following order :-

ORDER

The appeal is allowed. The respondent No.1 is hereby directed to comply the order of F.A.A./respondent No.2 and/or furnish the information to the appellant vide his application dated 8/12/2010 within 20 days from the date of receipt of this order.

Issue notice U/s. 20(1) of R.T.I. Act to the respondent No.1/Public Information Officer to show cause why penal action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before **12/03/2012**. The respondent No.1/P.I.O shall appear for hearing.

Further inquiry posted on **12/03/2012 at 10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 16th day of January, 2012.

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