

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.213/SCIC/2010

Mr. Sadanand D. Vaigankar,
304, Madhalawada Harmal,
Pernem – Goa.

... Appellant.

V/s.

1. The Public Information Officer,
Jt. Director of Accounts,
Directorate of Education,
Panaji
2. The PIO/Headmaster
Harmal Panchakroshi High School,
Harmal, Pernem-Goa
3. The First Appellate Authority,
The Director
Directorate of Education,
Panaji-Goa and
4. The Chairman,
Harmal Panchakroshi High School,
Harmal, Pernem-Goa

... Respondents

Appellant absent

Respondent No.1, 3 and 4 absent.

Respondent No.2 present.

Shri D. Chaudikar representative of Respondent No.3 present.

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

1. The Appellant, Shri Sadanand D. Vaigankar,, has filed the present appeal praying that the appeal be allowed; that the respondent No.2 and 4 be directed to pay fine as applicable, that the respondent No.2 be recommended for disciplinary action under service rules applicable to him and that erroneous order of the respondent No.3 be set aside.

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

That as per the order dated 15/4/2010 in Second Appeal No.145/2010 of this Commission. Appellant received notice of hearing dated 2/6/2010 from respondent No.3. That on 14/6/2010 respondent No.3 passed the order. Being aggrieved by the order the appellant has preferred the present appeal. That the respondent No.3 in the order noted that, the respondent No.2 has no access to the records of the society and respondent No.4 is not a public authority. It is further the case of the appellant that during the arguments of First appeal, appellant brought to the notice of respondent No.3 that point 2(h) of the application seeks information about polling officers and other staff for the election of the society. Whereas respondent No.2 acted as the polling officer for the election. Hence blunt contention of respondent No.2 that he does not have access to the records of the society is not acceptable being false. That as regards to noting of respondent No.3 that respondent No.4 is not a public authority, proves false when read in the light of Sec.2(h)(b) (ii) of the Act as society is constituted as per societies Registration Act and the society is a non-governmental organization substantially financed by the appropriate government.

3. The respondents initially appeared. However at one stage only respondent No.2 and representative of respondent No.3 appeared. They did not file any reply as such, however, they advanced arguments.

4. Initially the appellant appeared in person but later on he too did not appear. In any case I shall proceed on the basis of record.

5. Heard the arguments of respondent No.2 and Shri D. Chaudikar the representative of respondent No.3.

6. I have carefully gone through the records of the case and also considered the arguments advanced by the respondents.

It is seen that appellant had sought certain information from the respondent No.2. The information was in relation to Harmal Panchakroshi Shikshan Mandal which is a society. Incidentally this matter was earlier remanded to First Appellate Authority to hear the parties afresh and dispose the same. Accordingly by order dated 14/6/2010 the F.A.A. rejected the appeal. Hence the present appeal.

6. The contention of the appellant is two fold. Firstly the respondent No.2 has acted as the polling officer for the election and that polling officer should possess the information about the election. Secondly that respondent No.4 is not a public authority, proves false when read in light of Sec.2(h)(b), (ii) of the Act.

However the appellant has not conclusively proved this by cogent and clinching evidence on record. No doubt there is letter dated 26/4/2010 on record which speaks of infrastructure loan cum grant.

To my mind the appellant has to establish these issues properly. Whether the respondent No.4 is a public authority or not is to be properly established. To my mind the appellant has to establish all this properly. The appellant has failed to establish these things. In any case the appellant is at liberty to file proper applications before proper public authority. Normally the same should be filed through proper channel i.e. concerned authority.

7. With the above observation the appeal is to be dismissed. Hence I pass the following order :-

ORDER

The appeal is dismissed.

Needless to add that appellant is at liberty to file the proper application before concerned authorities.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 17th day of January, 2012.

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