

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.423/SIC/2010

Shri Ajit S. Porob,
R/o. "Shashi Sadan",
H. No.133/3,
Palmar – Pomburpa,
Bardez - Goa

... Complainant

V/s

State Public Information Officer,
Deputy Director of Administration,
P.W.D. Altinho,
Panaji-Goa

... Opponent

Complainant absent.
Opponent absent.

ORDER
(02/12/2011)

1. The Complainant, Shri Ajit S. Porob, has filed the present complaint praying that the records and proceedings before opponent be called for; that the opponent be directed to furnish the information sought by the Complainant free of charge since he has failed to provide the same within specified time period; that the opponent be individually held under disciplinary action for deliberately obstructing the access to the information as sought by the complainant; that the opponent be held under disciplinary action for deemed refusal of the request and for acting in any arbitrary manner and irresponsible manner thus disregarding the request of the complainant and that penalty be imposed.

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

That the complainant, vide his application dated 12/03/2010, has sought certain information under Right to Information Act ('RTI' act for short) from the Public Information Officer (P.I.O.)/opponent herein. That the opponent did not furnish the information nor inform the complainant if any decision taken which amounts to deemed refusal of the request. That being aggrieved by the inaction of the opponent the complainant

has filed the present complaint on various grounds as set out in the complaint.

3. The case of the opponent is fully set out in the reply which is on record. In short it is the case of the opponent that the complainant in his application has requested to supply information as regard to the facilities like advances, benefits, claims, compensation etc. which an employee working in P.W.D. under Goa Government can avail being an employee under regular establishment as on date. That vide letter dated 31/5/2010 the complainant was informed that the information is available in Swamy's Hand Book with latest amendments/changes published periodically, which are available in the book stalls. It is the case of the opponent that the complainant has already filed 1st appeal on 29/4/2010 before First Appellate Authority and Superintending Surveyor of Works, P.W.D. Altinho, Panaji and the same was already heard on 28/6/2010. That it was informed the First Appellate Authority that the information asked by the Complainant was available in Swamy's Hand Book. However, the opponent made oral submission before the F.A.A. that whatever information available with the opponent would be supplied to the Complainant free of cost. According to the opponent, complaint be dismissed.

4. It is seen that representative of the complainant was present initially. However at one stage he remained absent and there after did not remain present. Fresh notices were issued but he did not care to remain present. Opponent was present. In any case I am proceeding on the basis of record.

5. Heard the opponent and perused the records.

It is seen that by application dated 12/03/2010 the complainant sought certain information. By reply dated 31/5/2010, the P.I.O./Opponent informed the complainant that the information sought is available in Swamy's Hand Book with latest amendment /changes published periodically and that such books are available in the book stalls. Later on it is seen that full information has been furnished. It appears information has been furnished.

6. From the reply dated 15/07/2010 on record it is seen that there is mention of First Appeal and hearing on 28/6/2010. In para 4 of the

reply it is mentioned that the opponent made oral submission before First Appellate Authority that whatever information available with the opponent would be supplied to the Complainant free of cost.

In any case, information is furnished. The complainant does not mention about appeal in his complaint. Nor he has controverted the fact about appeal. In any case in the instant case the complainant ought to have filed the First Appeal first. It has been held that First Appellate Forum should not be skipped off and without exhausting the First Appellate Authority should not approach the Commission. The complainant to take note of the same in future.

7. Coming to the aspect of delay. No doubt there is some delay in furnishing the information. However in the factual backdrop of this case no penalty be imposed. The opponent/P.I.O. is warned that in future P.I.O. should scrupulously follow the time schedule as R.T.I. Act is a time bound programme and information is to be furnished within the specified time frame. P.I.O. should be more careful in future.

8. 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 as the information is furnished. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 2nd day of December, 2011.

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