

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.193/SIC/2010

Shri Cirilo Vales,
R/o.H. No.78, Duncolim, Seraulim,
Salcete-Goa ... Appellant.

V/s.

1. The Public Information Officer
South Goa Zilla Panchayat,
Arlem-Raia, Goa
2. The First Appellate Authority
Chief Executive Officer,
South Goa Zilla Panchayat,
Arlem-Raia, Goa ... Respondents

Appellant present
Respondent No.1 present.

J U D G M E N T
(24/01/2012)

1. The Appellant, Shri Cirilo Vales, has filed the present appeal praying that the Commission to take the cognizance that respondent No.1 and 2 have knowingly not given the information; that respondent No.1 and 2 have neglected the duties and caused hardship to the appellant and that appellant be compensated and respondent be penalized.

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

That the appellant, vide an application dated 6/10/2009 (posted on 19/10/2009 and received on 20/9/2009), 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 failed to comply with the request of the appellant within the specified time

as per sec.7(1) of the R.T.I. Act. The appellant preferred an appeal to the First Appellate Authority(F.A.A.)/Respondent No.2. That the F.A.A. did not reply/take action for the said letter till date. It is the case of appellant that respondent No.1 and 2 did not abide as per Sec.7(2) of the R.T.I. Act. That the respondent No.1 has not furnished the information sought within the stipulated time period. That the respondent No.2 did not abide by his duties. That the respondent No.1 and 2 have put the appellant to hardships. Being aggrieved the appellant has preferred the present appeal.

3. The respondent No.2 has filed the reply which is on record. It is the case of the respondent No.2 that P.I.O. Shri M. D. Nagarcenkar retired on 31/10/2009. That the then First Appellate Authority Shri Navti also got transferred. That call letter was sent to the appellant .

4. Heard the appellant and Respondent No.1/P.I.O. and perused the records.

It is seen that the appellant vide application dated 6/10/2009 sought certain information. It appears that the same was sent by post and the respondent No.1 received the same on 20/10/2009. It appears that no reply was filed and hence appellant preferred an appeal before F.A.A., however, F.A.A./ respondent No.2 did not hear the same/decide the same. Being aggrieved the appellant landed in this Commission.

During the course of the argument, appellant submits that he has received the information. According to him, the same has been furnished after a considerable delay.

5. Now it is to be seen whether there is delay in furnishing the information. According to the respondent No.1 the moment she came to know she furnished the information. Considering the date of application as well as reply furnished, it appears there is some delay. In any case to my mind, P.I.O. is to be given an opportunity to explain about the same in the factual backdrop of this case.

6. Another grievance of the appellant is that his First appeal was not heard. First Appellate Authority should bear in mind that R.T.I. is a time bound programme. The First Appellate Authority has to decide the appeal within 30 days or by extended period of 15 days but with reasons. Hope F.A.A. bears the same in mind in future. Incidentally F.A.A. is not covered by the penal provision. Hope F.A.A. would see to it that time schedule is maintained.

7. Since information is furnished no intervention of this Commission is required. The respondent No.1/the concerned P.I.O. is to be heard on the aspect of delay. Hence I pass the following order.

ORDER

The appeal is allowed. Since information is furnished no intervention of this Commission is required.

Issue notice U/s. 20(1) of Right to Information Act, 2005 to the concerned P.I.O. to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before **19/03/2012**. The Respondent No.1/the concerned P.I.O. shall appear for hearing.

Further inquiry posted on **19/03/2012 at 10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 24th day of January, 2012.

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

