

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 137/SIC/2011

Shri Tripur Laxman Chodankar,,
H. No. 507, Ghotnabhat,
Talaulim,
Ponda – Goa

... Appellant.

V/s

1) Village Panchayat Wadi,
Talaulim,
Through its PIO-cum-V.P. Secretary,
Wadi Talauli,
Ponda – Goa

... Respondent No. 1.

2) Block Development Officer,
First Appellate Authority,
Ponda – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

J U D G M E N T

(15.02.2012)

1. The Appellant, Shri Tripur Laxman Chodankar, has filed the present Appeal praying that the records and proceedings in case No. 3/BDO/PON/823/2010 be called from the office of Respondent No. 2 and set aside the Judgment dated 30.03.2011 and that Respondent No. 1 be directed to furnish the copy of said press note.

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

That the Appellant, vide his application dated 29.03.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Respondent No. 1. That Respondent No. 1 tendered the information at Sr. No. 1 of the said application but no information at Sr. No. 2 was furnished. Since no information at Sr. No. 2 was furnished the Appellant filed First Appeal before the First Appellate Authority (FAA) dated 04.06.2010. The FAA by Judgment dated 20.07.2010 directed the Respondent No. 1 to provide information at Sr. No. 2 and also to verify whether

corrigendum issued on 24.10.2008 was genuine and existing or to file proper FIR before the police station.

It is the case of the Appellant that inspite of the said Judgment dated 02.04.2010 the Respondent No. 1 did not furnish the information and comply with the Judgment, therefore, the Appellant filed an application dated 30.12.2010 before the Respondent No. 2 with prayer to initiate contempt proceedings. That Respondent No. 2 had issued two memoranda dated 14.12.2010 and 12.01.2011 to the Respondent No. 1 directing to comply with the Order dated 20.07.2010. That Respondent No. 1 filed the reply dated 30.03.2011 before FAA. The Respondent No. 1 furnished a copy of letter dated 24.10.2008 to the Editor of Goa Doot, corrigendum dated 24.10.2008 and resolution No. 4 dated 21.10.2007 to the Appellant, before the FAA. That the Respondent No. 2/FAA by judgment dated 30.03.2011 dismissed the contempt application on the ground that there was no disobedience of the Order dated 20.07.2010. Being aggrieved by the said order the Appellant has preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondent No. 1 has filed the reply which is on record. In short it is the case of Respondent No. 1 that BDO by judgment dated 30.03.2011 has finally decided the matter. That the corrigendum published dated 24.10.2008 on Goadoot is already issued to the Appellant on 20.04.2010 is one and the only one and no other corrigenda are issued by Panchayat. That the Appellant has already inspected the file and hence there is one and only one corrigendum issued by the Panchayat and, therefore, the question of FIR as mentioned in the said order dated 20.07.2010 does not arise.

4. Heard the arguments of the Appellant as well as Respondent No. 1.

5. 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 by letter dated 29.03.2010 the Appellant sought certain information. The information consisted of two items i.e. Sr. No. 1 and 2. By reply dated 20.04.2010 the Respondent No. 1 furnished the information. Being not satisfied with the same the Appellant preferred an Appeal before the First

Appellate Authority. By order dated 20.07.2010 the FAA/Respondent No. 2 observed as under:-

“The Respondent PIO has already provided the information with respect to Serial No. 1 of the application of the appellant. However, information to Sr. No.2 is still not provided. The Respondent PIO therefore should verify whether such a corrigendum issued by Respondent Panchayat on 24.10.2008 and published on Goa Dut on 26.10.2008 is genuine and existing or otherwise and file proper F.I.R. before the concerned Police Station.”

It appears that the said order was not complied. The Appellant by Application dated 30.12.2010, prayed that contempt proceedings be initiated. By order dated 30.03.2011 the said application was dismissed.

6. It is seen from the record that available information is furnished. No doubt under RTI information available on record is to be furnished. Right to Information Act can be invoked for access to permissible information.

From the case of Respondent No. 1 it is seen that only one corrigendum was issued dated 24.10.2008.

The FAA/Respondent No. 2 initially directed to verify as observed hereinabove. However the Appellant vehemently contends that there was another corrigendum which was not found on the record when he inspected the records. According to him the same has been deliberately made to disappear from the record.

RTI Act is meant for transparency and accountability. Only with a view to clear the doubt I am inclined to hold a proper inquiry and bring to book the delinquent officer/official, if any. In my view higher authority to hold such an inquiry.

7. Before parting with this Appeal I must say that Appellant has not taken note of Appeal period. Application is dated 29.03.2010. First Appellate order is dated 20.07.2010. In between i.e. on 30.12.2010 Appellant filed an application before FAA for initiating contempt of court proceedings. Normally Appeal before Second Appellate Authority is to be filed within 90 days from the date of the order of First Appellate Authority. In any case the Appellant to take note of the period of limitation in future.

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

ORDER

The Appeal is partly allowed. The Director of Panchayat through himself or an officer duly appointed by him to conduct an inquiry regarding the corrigendum issued by Respondent/Panchayat on 24.10.2008 and published on daily Goa Doot on 26.10.2008 was in fact existing and then to fix responsibility for misplacement/missing of the same and initiate action against the delinquent officer/officials including lodging of FIR and/or be suitably penalized as per law.

The inquiry to be completed as early as possible preferably within 3 months and report compliance.

A copy of the order be sent to the Director of Panchayats, Panaji-Goa

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 15th day of February, 2012.

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