

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.269/SCIC/2011

Mr. K. P. Harmalkar,
R/o.Susheela Sankul,
BL-A, G-3, Orulem,
Vasco-Da-Gama, Goa

... Appellant.

V/s.

The Public Information Officer
Chief Officer,
Mormugao Municipal Council,
Vasco-da-Gama, Goa

... Respondent

Appellant present.
Respondent absent.

J U D G M E N T
(10/04/2012)

1. The Appellant, Shri K. P. Harmalkar, has filed the present appeal praying that the P.I.O./respondent be directed to provide the information sought by him.

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

That the appellant, vide application dated 16/8/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/Respondent. That vide letter No.MMC/PER/R.T.I./11-12/235 dated 14/9/2011, the Public Information Officer has informed him that Sixth Pay Commission is yet to be made applicable to Municipal Cadre and the Municipal Employees. Being not satisfied the appellant preferred an appeal before First Appellate Authority(F.A.A.) Director of Municipal Administration. By order dated 25/10/2011 the F.A.A. passed the order directing the respondent to furnish information within 15 days without charging fees. That the P.I.O. till to-day has not furnished the information.

Being aggrieved the appellant has preferred the present appeal.

3. In pursuance of the notice issued, Adv. H. Khilji appeared on behalf of respondent. At his request the matter was posted on 19-3-2011. However on 19/3/2011 the respondent nor his Advocate appeared. Appellant is a senior citizen. In any case matter was posted on 10/4/2012. To-day also the respondent is absent. His Advocate also absent. In any case, I am proceeding on the basis of record.

4. Heard the appellant and perused the records of the case. It is seen that the appellant, vide his application dated 16/8/2011 sought certain information from the respondent/P.I.O. By reply dated 14/9/2011, the P.I.O./respondent informed the appellant that Sixth Pay Commission is yet to be made applicable to Municipal Cadre and the Municipal Employees, as such, their office is awaiting further directives from Directorate of Municipal Administration, Panaji, Goa. It was further informed that the information asked for is under process and the copy of proceedings is enclosed which is self-explanatory. It is seen that being not satisfied the appellant preferred an appeal before the First Appellate Authority. The F.A.A. passed the order on 25/10/2011 observing as under :-

“The appellant has sought information vide letter dated 16/8/2011 regarding pension matter. The respondent agreed to provide the information within 15 days.

The respondent shall furnish the information within 15 days without charging fees.”

The grievance of the appellant is that this order is not complied with.

4. The order of the F.A.A. is not challenged by the respondent. Therefore the same stands. Consequently the P.I.O./respondent will have to comply with the same.

5. Now it is to be seen whether there is any delay. It is seen that application is dated 16/8/2011. The reply is dated 14/9/2011. Apparently this is in time. However the order of F.A.A. is not complied i.e. no information is furnished. Apparently there is some delay. However, P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

6. In view of the above, I am of the opinion that order of F.A.A. is to be complied with. The P.I.O. is to be heard on the aspect of delay. Hence I pass the following order. :-

ORDER

The appeal is allowed. The respondent/P.I.O. is hereby directed to furnish information to the appellant vide his application dated 16/8/2011 and/or to comply the order of F.A.A. dated 25/10/2011 within 20 days from the date of receipt of this order.

Issue notice U/s.20(1) of Right to Information Act, 2005 to the P.I.O./respondent 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 **03/05/2012**. The P.I.O./respondent shall appear for hearing.

Further inquiry posted on **03/05/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 10th day of April, 2012.

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