

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.205/SCIC/2011

Shri Vishal Naik,
R/o.128/1, Rua De Maria,
Sancoale, Cortalim, Goa

... Appellant.

V/s.

1. S.S. Amonkar,
Public Information Officer
& Asst. Public Information Officer,
Directorate of Education,
Porvorim-Goa
2. First Appellate Authority,
Dr. Celsa Pinto,
Directorate of Education,
Porvorim-Goa

... Respondents

Appellant present.

Respondent No.1 and 2 absent

Shri D. Chaudikar representative of respondent present.

J U D G M E N T
(17/04/2012)

1. The Appellant, Shri Vishal Naik, has filed the present appeal praying that direction be issued to furnish the information as asked in point No.1, 2, 3 and 4 without further delay; that disciplinary proceedings should be directed for reckless negligence in carrying out duties by the respondent No.1 and that penalty be imposed for malafidely denying, obstructing, furnishing of information and that reasons for delay in deciding about first appeal should be recorded in writing from the respondent No.2.

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

That the appellant, vide application dated 09/06/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' act for short) from the Public Information officer(P.I.O.)/respondent No.1. That respondent No.1 vide his reply dated 22/06/2011 provided information for point No.5, 6 and 7. Then again on 27/6/2011 in another reply

rejected request of information mentioned in point No.2, asking for confidential report of an employee under Directorate of Education. That the same was refused citing Sec.8(1)(j) of the R.T.I. Act and that no information was furnished in respect of point No.1, 3, 4, 8 and 9. Being aggrieved, the appellant preferred appeal before First Appellate Authority (F.A.A.)/Respondent No.2. By order dated 03/08/2011 the appeal was allowed with the directions to A.P.I.O. to give information relating to point No.8 and 9 within 3 days free of cost. That on 25/8/2011 the respondent No.1 provided information for point No.8 and 9. However information was not furnished in respect of point No.1, 2, 3 and 4. Being aggrieved the appellant has preferred the present appeal.

3. In pursuance of the notice, Shri D. Chaudikar representative of respondent No.1 remained present. The respondent did not file any reply as such. However, Shri Chaudikar advanced arguments.

4. Heard the arguments and perused the records. It is seen that by application dated 9/6/2011, the appellant sought certain information. The information consisted of 9 items i.e. Sr. No.1 to 9. By letter dated 22/6/2011 information in respect of point No.5, 6 and 7 was furnished. By letter dated 27/6/2011 information regarding 2, 5, 6 and 7 was furnished. Since some information was not furnished, the appellant preferred appeal before F.A.A. on 9/7/2011. It is seen that notice was issued on 3/8/2011 by F.A.A. to appear on 16/8/2011. However, from record it is seen that order was passed on 03/08/2011. Perusal of the order shows that appeal was heard on 16/8/2011 and both appellant as well as respondent was present. Apparently there is some typing error in the date 03/08/2011. It appears the same should have been 03/09/2011. It is seen that in the meantime by letter dated 25/8/2011, the respondent furnished information in respect of point No.8 and 9. Subsequently appeal was allowed and it was ordered to furnish information to point No.8 and 9. Now the only grievance of the appellant is that information in respect of point 1 to 8 has not been furnished. It is seen from record that by letter dated 25/6/2011 Shri Anand Kumarjuvenkar, A.D.E.I., Tiswadi has sent information in respect of said points i.e.1, 3, 4 to the P.I.O. Directorate of Education, Panaji, Goa vide letter dated 23/6/2011. Full letter is on record and this letter was also sent in time. However, it appears that there is some lapse on the part of P.I.O./respondent No.1 in furnishing the information to the appellant.

During the course of arguments, Shri D. Chaudikar states that information could be furnished. It is seen that appellant has not yet received said information. Appellant on his part is also agreeable on the same.

5. It is seen that first appeal was filed on 9/7/2011. The grievance of the appellant is that the same was not decided in time. Normally first appeal is to be decided within 30 days or within 45 days but with reason. If the date of order is concerned as 3/9/2011, it appears that there is some delay. In any case in future, F.A.A. to take note of the same. It is seen that considering the request dated 9/6/2011 part of the information is in time. However, there is some communication gap in so far as information regarding point No.1, 3 and 4 are concerned. No doubt, the A.D.E.I. had sent the same well within time. The copy of the same was also endorsed to Vishal Naik/appellant as well as P.I.O. It is to be noted that R.T.I. is a time bound programme. The information is to be furnished within statutory period of 30 days. There is slight delay in so far as information to point No.1 to 4 are concerned. A.D.E.I. had sent it in time but there is some lapse on the part of P.I.O. However, P.I.O. is warned that such things should not repeat in future.

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

ORDER

The appeal is allowed and the respondent No.1/P.I.O. is hereby directed to furnish the information in respect of point No.1, 3 and 4 of the application dated 09/06/2011 of the appellant within 20 days from the date of the receipt of this order

The appeal is accordingly disposed off.

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

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