

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.07/SCIC/2012

Shri Gajanan D. Phadte,
898, Nila Niwas,
Alto Torda,
Porvorim P.O. – 403 521

... Appellant.

V/s.

1. The Public Information Officer
Mamlatdar of Bardez,
Mapusa-Goa
2. The First Appellate Authority,
Dy. Collector & S.D.O.,
Bardez, Mapusa-Goa

... Respondents

Appellant present.

Respondent No.1 and 2 absent.

Shri R. Mayenkar representative of Resp. No.1 present.

J U D G M E N T
(26/04/2012)

1. The Appellant, Shri Gajanan D. Phadte, has filed the present appeal praying that penalty of Rs.25,000/- be imposed on the P.I.O./respondent No.1; that disciplinary action be recommended against the respondent No.1 under the Service Rules applicable for not furnishing information as ordered by F.A.A.; that compensation be granted to the appellant and for filing F.I.R. for willfully disobeying the order of F.A.A. and committing offences punishable under the I.P.C.

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

That the appellant, vide application dated 11/07/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the respondent No.1, Public Information officer(P.I.O.). That the P.I.O./respondent No.1 neglected to provide information within prescribed time limit. Hence the appellant preferred the appeal before the First Appellate Authority(F.A.A.). That the F.A.A. ordered to give information within 15 days. That the P.I.O./respondent No.1 willfully neglected to comply order of F.A.A. and avoided to provide information

ordered by F.A.A. Being aggrieved the appellant preferred the present appeal.

3. In pursuance of the notice issued Shri R. Mayenkar, the representative of Respondent No.1 appeared. No reply filed. In any case I am proceeding on the basis of records.

4. Heard the appellant and Shri R. Mayenkar, representative of respondent No.1 and perused the records.

It is seen that the appellant, vide application dated 11/07/2011 sought certain information from the P.I.O./Respondent No.1. It is seen that the information was sought from P.I.O./Dy. Collector(Rev) Office of the Collector, North Goa District. By letter dated 15/7/2011, the P.I.O./Dy. Collector Revenue transferred the same under Sec.6(3) of the R.T.I. Act to the Mamlatdar, Bardez i.e. the respondent No.1 herein. It is the case of the respondent No.1 that no information was furnished and hence he preferred first appeal. The First Appellate Authority(F.A.A.) passed the order on 8/11/2011 as under :-

“The appellant desires to have the copies of entire records in Mutation case No.34204. The respondent/P.I.O. is directed to furnish the same to the appellant within 15 days from the receipt of this order.”

Since this order is not complied with, the appellant landed before this Commission. In fact the present appeal is for not complying order of F.A.A.

5. It is to be noted here that the order of F.A.A. is not challenged so the same stands. The respondent No.1 has to comply with the same.

6. The appellant contends that there is delay in furnishing the information. According to Shri Mayenkar, there is no delay.

It is seen that the request for information is dated 11/07/2011. According to appellant no information is furnished. Order of F.A.A. is 08/11/2011 and the same is not complied with till to-day. Apparently there is some delay. However, the P.I.O./respondent No.1 is to be given

an opportunity to explain about the same in the factual backdrop of this case.

7. In view of all this, I am of the opinion that respondent No.1/P.I.O. should comply the order of the F.A.A. and/or should furnish the information. The respondent No.1 should be heard on the aspect of delay. Hence, I pass the following order.

ORDER

The appeal is allowed. The respondent No.1 is hereby directed to furnish the information sought by the appellant vide his application dated 11/07/2011 and/or comply the order of the F.A.A. dated 8/11/2011, 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 No.1 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 **26/06/2012**. The P.I.O./respondent No.1 shall appear for hearing.

Further inquiry posted on **26/06/2012** at **10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 26th day of April, 2012.

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