

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 222/SIC/2011

Mr. K. P. Harmalkar,
Susheela Sankul,
BL-A, G-3, Orulem,
Vasco-da-Gama - Goa

.... Appellant.

V/s.

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

.... Respondent.

Appellant in person.

Adv. Shri H. Khilji for Respondent.

J U D G M E N T
(24.05.2012)

1. The Appellant, Shri K. P. Harmalkar, has filed the present Appeal praying that the P.I.O./Respondent be directed to provide to him the details of last five years (Pension Pass book) from 01.05.2006 to 31.08.2011.

2. The brief facts leading to the present Appeal can be summarized as under:-

That the Appellant vide his application dated 23.06.2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent. That vide letter dated 13.07.2011 the P.I.O./Respondent informed the Appellant that the Council has not yet adopted the procedure, hence Appellant's request cannot be considered at this stage. It was also informed that no further correspondence in that regard shall be entertained in future. Being not satisfied the Appellant preferred an appeal before the Directorate of Municipal Administration, Panaji/First Appellate Authority (F.A.A.) requesting to provide the information sought. By order dated 10.08.2011 the F.A.A. directed the Respondent to provide the information within 10 days

without charging fees. That since the Appellant has not received details of his pension for the last five years he requested the Respondent to provide the same. Since the same was not furnished the Appellant has preferred the present Appeal.

3. In pursuance of the notice Adv. H. Khilji appeared on behalf of the P.I.O./Respondent. He did not file any reply as such, however, he advanced arguments.

4. Heard the Appellant and the learned Adv. Shri Khilji for Respondent.

According to the Appellant no information is furnished. He referred to the facts of the case in detail.

During the course of his arguments Adv. Khilji submitted that all information is furnished.

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 the Appellant, vide application dated 23.06.2011 sought certain information regarding issue of Pension Pass-book/Monthly pension slip and to furnish him the information on action taken by their office alongwith notings and decisions. By reply dated 13.07.2011 the P.I.O./Respondent informed the Appellant that the Council has not yet adopted the procedure hence his request cannot be considered at that stage. The Appellant was also informed that no further correspondence in that regard shall be entertained in future. Being not satisfied the Appellant preferred an appeal before F.A.A. The F.A.A. passed the order dated 10.08.2011 as under:-

“Heard the Appellant and Respondent. The Appellant has sought details of his pension slip vide letter dated 23.06.2011. The Respondent agreed to provide the details of last five years within a month’s time.

The respondent shall provide the detailed break-up of pension for last five years within 10 days without charging fees. The new pension

slip in future shall also include the break-up for the benefit of the petitioner.”

According to the Appellant the P.I.O. has issued the details of break-up of pension for last five years (Xerox copies of Pension pay bills) vide letter dated 18.08.2011 and a copy of letter dated 30.09.2011 showing detail break-up of pension. According to the Appellant details of pension for the last five years have not been provided to him. Hence the present Appeal.

6. It is to be noted here that the order dated 10.08.2011 of the F.A.A. has not been challenged. So the same stands. The Respondent will have to comply with the same.

7. Coming to the aspect of delay. It is seen that as per records initially information/reply has been furnished in time. However, according to the Appellant the order of First Appellate Authority is not complied with in time. This is disputed by the Advocate for the Respondent. According to him there is no delay as such. Appellant states that break-up for five years has not been furnished. In any case to my mind the P.I.O./Respondent should be given an opportunity to explain about the same in the factual backdrop of this case.

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

ORDER

The Appeal is allowed. The Respondent is hereby directed to furnish the information as sought by the Appellant i.e. to provide the details of last five years and/or to comply the order dated 10.08.2011 passed by the First Appellate Authority/the Director of Municipal Administration within 15 days from the receipt of this Order.

Issue notice under Section 20(1) of the 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 the information. The explanation, if any, should reach the Commission on or before 02.07.2012. The P.I.O./Respondent shall appear for hearing.

Further inquiry posted on 02.07.2012 at 10:30a.m.

The Appeal is, accordingly, disposed off.

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

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