

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.37/SIC/2012

1. Shankar Prabhakar Dalvi,
R/o.Shri Manguirish Prasad,
P.M.C. Ward,
Durgabhat, Ponda, Goa ... Appellant

V/s.

1. The Public Information Officer,
Village Panchayat Secretary,
Village Panchayat of Pale-Cottambi,
Bicholim-Goa
2. The First Appellate Authority,
Block Development Officer,
Bicholim Taluka,
Bicholim-Goa ... Respondents

Appellant present
Respondent No.1 present.
Respondent No.2 absent.

J U D G M E N T
(07/06/2012)

1. The Appellant, Shri Shankar Prabhakar Dalvi, has filed the present appeal praying that the appeal be admitted and allowed; that the information sought by the appellant, vide application dated 21/9/2011 be directed to be furnished, free of cost, in terms of Sec.7(6) of the R.T.I. Act; that the penalty U/s.20 sub Section (1) be imposed on the said P.I.O. for his malafide intentions and negligence to furnish the information sought for by this appellant; that the compensation be awarded to the appellant for mental agony, torture of mind and loss of time, money and energy and that direction be issued to the competent authority to initiate disciplinary action against the respondent No.1. i.e. P.I.O. under civil service rules application to the Government servants.

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

That the appellant, vide two applications both dated 21/9/2011 acknowledged by the office of the said respondent on 22/9/2011, 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 no information was received on both the applications within the mandatory period of 30 days and hence the appellant preferred an appeal before the First Appellate Authority(F.A.A.)/respondent No.2. By order dated 8/12/2011 the F.A.A directed and ordered the respondent No.1 to furnish information in respect of second application also within 8 days which has also not been honoured by the respondent. Since information was not furnished and being aggrieved, the appellant has filed the present appeal on various grounds as set out in the memo of appeal.

3. The respondent resists the appeal and the reply of the respondent No.1 is on record. In short it is the case of respondent No.1 that the information sought by the appellant has not been refused nor deliberately withheld and the allegations made by the appellant are not completely correct. That the respondent No.1 has sent the information to the appellant as per the order dated 12/1/2012 passed by F.A.A. by letter dated 21/4/2012 by Registered A/D Post. That there is some delay caused in furnishing the information in time as some records pertaining to said information were not easily traceable. According to the respondent No.1 appeal is liable to be dismissed.

4. Heard the arguments. The appellant as well as the respondent No.1 submitted that information is furnished. The appellant states that he has received the information.

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 information is furnished and whether the same is furnished in time.

During the course of his arguments the appellant submits that he has received the information. According to P.I.O./Respondent No.1 also the information is furnished. So far as information is concerned the same is furnished.

The only grievance of the appellant is that information is furnished much beyond the statutory period i.e. there is inordinate delay.

6. Now it is to be seen whether there is delay in furnishing the information.

It is seen that the application seeking information is dated 21/9/2011. There were two applications. By letter dated 3/10/2011, the P.I.O. informed the appellant that records are being traced. It appears that since information was not furnished the appellant preferred First Appeal before the F.AA. The Appeal was preferred on 15/11/2011. By order dated 8/12/2011 the F.A.A. allowed the appeal and P.I.O. was directed to furnish the information on the original application dated 21/9/2011 within three days free of cost. The order is in Roznama and signature of B.D.O. is dated 12/1/2012.

According to appellant this order was not complied with. And that finally information was furnished on 21/4/2012.

Considering the date of application and date of furnishing of information apparently there is delay. In any case the P.I.O./Respondent No.1 should be given an opportunity to explain about the same in the factual matrix of this case.

7. In view of all the above, since information is furnished no intervention of this Commission is required. The

P.I.O./Respondent No.1 should be heard on the aspect of delay.
Hence I pass the following order :-

ORDER

Appeal is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice U/s.20(1) of R.T.I. Act, 2005 to the Public Information Officer/ 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 **18/07/2012**. The Public Information Officer/ respondent No.1 shall appear for hearing.

Further inquiry posted on **18/07/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 7th day of June, 2012.

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