

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.277/SIC/2010**

Shri Joao C. Pereira,  
R/o. H. No.40, Alsona  
Utorda, Majorda,  
Salcete - Goa

... Appellant.

V/s.

1.The Public Information Officer,  
Under Secretary (Home),  
Secretariat, Porvorim,  
Bardez – Goa

2. The First Appellate Authority,  
Jt. Secretary (G.A.),  
Secretariat, Porvorim,  
Bardez - Goa

... Respondent

Appellant present.

Respondent No.1 and 2 absent.

Adv. K. L. Bhagat for respondent No.2 present.

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

1. The Appellant, Shri Joao C. Pereira, has filed the appeal praying that the respondent No.1 be directed to furnish the information as sought by him vide his application dated 29/09/2010; that disciplinary proceeding against respondent No.1 be initiated and directions be issued to respondent No.2 as per Sec.19(8) of the Act for non compliance of the provisions of the Act and that penalty be imposed on respondent No.1.

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

That the appellant, vide his application dated 29/9/2010, sought certain information under Right to Information Act, 2005

('R.T.I. Act' for short) from the Public Information Officer(P.I.O.) of Director of Prosecution. That the same was transferred U/s.6(3) (ic) of the R.T.I. Act to the respondent No.1 on 30/9/2010. That the respondent No.1 failed to reply nor gave the information to the appellants application dated 29/9/2010 within the stipulated period of 30 days as per Sec.7(1) of the Act. The appellant therefore preferred first appeal before the respondent No.2/ First Appellate Authority (F.A.A.). That the F.A.A./respondent No.2 never bothered to hear appeal within stipulated time of 30 days. Being aggrieved the appellant has preferred the present appeal on various grounds as set out in the memo of appeal.

3. The respondents resist the appeal and the reply of respondent No.2 is on record. In short it is the case of respondent No.2 that the appellant has never preferred first appeal to the respondent No.2 as alleged. That the appellant has not submitted any such appeal to the respondent No.2 and therefore question of hearing appellant in the alleged appeal and that too within the stipulated time limit of 30 days does not arise. So also the contention of the appellant that F.A.A. rejected the purported appeal does not arise. That the records of F.A.A. had not shown any entry of such appeal. That the respondent No.2 denies grounds as set out in the memo of appeal. In short, it is their case that respondent No.2 did not receive first appeal and that the question of hearing etc does not arise. According to respondent No.2 appeal is liable to be dismissed as against respondent No.2.

4. Heard the appellant as well as Adv. Shri K. L. Bhagat for respondent No.2.

During the course of arguments, appellant states that appeal may be disposed off as he does not press for the same.

5. I have carefully gone through the records of the case.

It is seen that the appellant vide application dated 29/9/2010 sought certain information from the Public Information Officer/Directorate of Prosecution, Patto, Panaji. By letter dated 30/9/2010, the P.I.O. of Directorate of Prosecution transferred the application U/s.6(3)(ii) of R.T.I. Act to the respondent No.1 herein. Copy of the said letter was sent to the appellant and was requested to pursue matter with P.I.O. in respect of his application. The request was transferred as information was not available with Directorate of Prosecution. It appears from the record that information was not furnished within the stipulated period. It is seen first appeal was filed. But as contended by Adv. Bhagat the same never reached office of respondent No.2. I have perused the copy of memo of appeal before the F.A.A. I do not find any endorsement in token of having received the same. In any case, I need not deal with all this aspects, as the appellants wants that the appeal be disposed as he does not want to press for the same.

6. Since appellant does not press, his request is to be granted. Hence, I pass the following order :-

### **ORDER**

No intervention of this Commission is required. The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 6<sup>th</sup> day of June, 2012.

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

