

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No.145/SCIC/2011

Vincent Dias,
H.No.503, Murida, Fatorda,
Margao-Goa.

.....Complainant

V/s

1) First Appellate Authority/
SGPDA,
4th floor, D' wing,
Osia Commercial Arcade,
Near SGPDA, Margao Complex,
Margao-Goa.

2) Public Information Officer,
SGPDA,
Osia Complex,
Near SGPDA, Margao Complex
Margao-Goa .

..... Opponent

Complainant in person
Opponent absent.
Adv. V. Sirsat for Opponent

ORDER

(20-04-2012)

1. The Complainant, Shri Vincent Dias, has filed the present complaint praying for compensation, penalty costs and other reliefs as prayed in the complaint.
2. The case of the complainant is fully set out in the complaint. In short it is the case of the complainant that vide application dated 14/07/2011, he sought certain information under Right to Information Act, 2005 (R.T.I Act 2005) from the Public Information Officer (P.I.O.)/Respondent No.2 That the P.I.O./Respondent No.2 failed to furnish the information. That the complainant tried his best to avoid the 1st Appeal as he felt that he may get the reply. Having received no reply for a long time the complainant filed the First Appeal. That the complainant was shocked to receive an order on a technical ground and without hearing the complainant and as such complainant could not give justification. Being aggrieved the complainant has filed the present complaint.
3. In pursuance of the notice issued Adv. Shri V. Shirsat appeared on behalf of the Respondent No.2/P.I.O.. He did not file any reply as such. Respondent No.2/P.I.O. thereafter also did not remain present. In any case I am proceeding on the basis of records of the case.

4. Heard the complainant. The Complainant filed the written arguments which are on records. It is the case of the complainant that no information was furnished within the statutory period of 30 days and secondly he was not heard by the First Appellate Authority.
5. I have carefully gone through the records of the case and also considered the arguments advanced by the complainant. It is seen that by application dated 14/07/2011 the complainant sought certain information. It is seen that no information was furnished. So on 19/09/2011 the complainant filed the appeal before the First Appellant Authority/Respondent No.1 By order/letter dated 29/09/2011 the appeal was not admitted being time barred. It is in between i.e by letter dated 27/09/2011 the P.I.O. (Opponent No.2 furnished the information).
6. IT is seen that Appeal was filed before F.A.A. However Appellant was not heard. It is seen that application seeking information is 14/07/2011 received on 15/07/2012 the reply should have been by 14/08/2011/15/08/2011. Appeal ought to have been filed by 14/09/2011/15/09/2011. However the same was filed on 19/09/2011. No doubt there was delay of 4/5 days. In any case the complainant/Appellant ought to have been given an opportunity of being heard. The principles of natural justice do require that a fair opportunity is to be given to the parties. In any case F.A.A. to take note of the same in future.
7. Now it is to be seen whether there is any delay in furnishing information. It is seen that application seeking information is dated 14/07/2011 received on 15/07/2011. The information was furnished on 27/09/2011. Apparently there is some delay. However the P.I.O. should be given an opportunity to explain the same in the factual back drop of this case.
8. In view of all the above, since the information is furnished no intervention of this Commission is required. However P.I.O./Opponent No.2 is to be heard on the aspect of delay. Hence I pass the following order:-

ORDER

Complaint is allowed. No intervention of this Commission is required
Information is furnished.

Issue notice under section 20(1) of the Right to Information Act 2005 to the P.I.O/Respondent No.2 to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanations if any should reach the Commission on or before 12/06/2012. The Respondent no.2/P.I.O. shall appear for hearing.

Further inquiry posted on 12/06/2012 at 10.30. a.m.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 20th day of April of 2012.

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