

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.51/SIC/2011

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

... Appellant

V/s.

1. The Public Information Officer,
Administrator of Comunidades,
North Zone,
Mapusa-Goa
2. The First Appellate Authority,
Additional Collector II (North)
Panaji - Goa

... Respondents

Appellant present.

Respondent No.1 and 2 absent.

Adv. K. H. Bhosale for respondent No.1 present.

J U D G M E N T
(29/06/2012)

1. The Appellant, Shri Gajanan D. Phadte, has filed the present appeal praying that the P.I.O. be directed to furnish the complete information sought; that penalty be imposed on P.I.O. for providing incomplete information and disciplinary action be recommended and that compensation be granted to the appellant.

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

That the appellant, vide his application dated 14/12/2010, 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 the P.I.O. provided incomplete information and hence first appeal was filed before the First Appellate Authority(F.A.A)/respondent No.2. That the F.A.A/

respondent No.2 failed to dispose of first appeal within prescribed time limit. Being aggrieved the appellant has preferred the present appeal.

3. The respondent No.1 resists the appeal and the submission of respondent No.1 is on record. It is the case of respondent No.1 that the appellant/applicant has acknowledged the receipt of information to his application dated 14/12/2010 provided by P.I.O. vide letter dated 28/12/2010 which may not be up to his expectation and therefore found it to be incomplete. According to the respondent, appeal be dismissed.

4. Heard the appellant as well as Adv. K. H. Bhosle for respondent No.1. The written submissions filed by both the parties are on record.

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 by application dated 14/12/2010, the appellant sought certain information. The information consisted of names of advocates appointed to appear/appeared for on behalf of Comunidade, Office of Administrator of Comunidade of North Zone and names of Court, First Appellate Authorities, Commissions, Tribunals etc during the year 2010 till date of information also about fees/remuneration etc. By reply dated 28/12/2010 the acting Secretary/A.S.P.I.O. furnished the information. Being not satisfied, the appellant preferred appeal before F.A.A./respondent No.2 on the ground that information was incomplete and misleading. It is the case of the appellant that the appeal is not disposed. It is to be noted here that R.T.I. Act is a time bound programme between administration and the information seeker the request is to be disposed within 30 days. The appeal is to be filed within 30 days and be disposed within 30

days or 45 days with reason. It is the case of the appellant that appeal is not disposed. First Appellate to take note that he will have to dispose the appeal within the statutory period. However under R.T.I., F.A.A. is not covered by the penal provisions of the Act.

6. Coming to the information asked and information furnished. It appears that word used by A.S.P.I.O. is “various courts”. Information sought is specific i.e. Court, F.A.A., Commissions, Tribunals. Therefore P.I.O./respondent No.1 has to furnish information the way it is asked if available on records of respondent No.1.

7. Coming to the aspect of delay. Considering the application filed and the reply furnished the same is well within time. Hence the question of delay does not arise. About not disposing appeal by F.A.A. I have observed above that F.A.A. is not covered by the penal provisions of the Act.

8. In view of the above, I pass the following order.

ORDER

The appeal is allowed and the respondent No.1/P.I.O. is hereby directed to provide complete information as sought by the appellant vide his application dated 14/12/2010 within 20 days from the date of receipt of this order.

The appeal is, accordingly, disposed off.

Pronounced in the Commission on this 29th day of June, 2012.

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