

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 106/SCIC/2012**

Shri J. T. Shetye,  
Mapusa Jana Jagruti Samiti,  
Khorlim,  
Mapusa – Goa

**... Complainant.**

V/s.

1) Shri Damodar Morajkar,  
Public Information Officer,  
Under Secretary, Industries & Labour,  
Secretariat,  
Porvorim – Goa

**... Opponent No. 1.**

2) Public Information Officer,  
Shri Hanumant Toraskar,  
Mapusa Municipal Council,  
Mapusa - Goa

**...Opponent No.2.**

3) First Appellate Authority,  
Directorate of Municipal Administration &  
Urban Development, Collectorate Bldg.,  
Panaji – Goa

**.... Opponent No.3.**

Complainant in person.

Opponent No. 1 in person.

Shri Vinay Agarwadeker, representative of Opponent No. 2.

Miss Biju Naik, representative of Opponent No.3.

**ORDER**  
**(25.07.2012)**

1. The Complainant, Shri J. T. Shetye, has filed the present Complaint praying that the Complaint be admitted; that P.I.O. be compelled to furnish the information as sought by the Complainant vide his application dated 07.02.2012 without charging any fees; that penalty clause be invoked against P.I.Os Shri Damodar Morajker and Shri Hanumant Torasker of Mapusa Council and that Complainant, who is a senior citizen, be compensated for harassment caused.

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

That the Complainant, vide his application dated 07.02.2012 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer ('P.I.O.)/Opponent. That the P.I.O. Narayan Gad provided information vide his letter dated 05.03.2012

which was received by the Appellant after the expiry of stipulated period of 30 days. That the Complainant preferred the Appeal before the First Appellate Authority. That the First Appeal was disposed off with directions to the P.I.O. Damodar Morajker to invoke the provisions of Section 5(4) and 5(5) of the R.T.I. Act and submit the information to the Complainant within 10 days of receipt of the order free of cost. That no reply was received and hence the present Complaint.

3. In pursuance of the notice issued the Opponent No.1 appeared and Opponent No. 3/F.A.A. has filed the reply which is on record.

It is the case of the Opponent No. 3 that First Appeal was filed. That the same was disposed off after hearing the parties.

4. Heard the Complainant and the Opponent No. 1 and perused the records of the case.

It is seen that the Complainant, vide application dated 07.02.2012, sought certain information consisting of 8 points i.e. Sr. No. 1 to 8. By reply dated 05.03.2012 the P.I.O. furnished the information.

Being not satisfied the Complainant preferred an appeal before the First Appellate Authority/Opponent No. 3. By order dated 10.05.2012 the F.A.A./Opponent No.3 observed as under:-

“On 07.05.2012 the Appellant requested the invoking of provisions of Section 5(4) and 5(5) of the Right to Information Act, 2005. The Respondent agreed to the request. Matter disposed off with directions to the Respondent to invoke the provisions of Section 5(4) and 5(5) of the Right to Information Act, 2005 and submit the information to the Appellant within 10 days of the receipt of this order, free of cost.”

It is the grievance of the Complainant that this order is not complied with. This order has not been challenged and therefore the same stands. The Opponent No. 1 and/or 2 will have to comply with the same.

5. Under R.T.I. Act the P.I.O. is duty bound to furnish the information available with the public Authority or as ‘held’ by the public Authority. As all information required to be furnished may not be readily available with the P.I.O. he may seek the assistance from any other officer of the public

authority as may be considered appropriate to enable him to discharge duties in proper way so that information is furnished within prescribed period. It follows that the law establishes a right of the P.I.O. to have the assistance from concerned officers of public Authority.

Normally it is for the P.I.O. to seek assistance if he needs.

In the present case Order is passed by the F.A.A. and as I mentioned above the same has not been challenged and therefore the same stands. The Opponent will have to comply the same.

6. There is nothing on record to show that P.I.O. tried to comply the order. In any case P.I.O. should see that information is furnished as decided by F.A.A. In case the same is not complied the aspect of delay, etc. would be considered.

7. In view of the above I pass the following Order:-

### **ORDER**

Complaint is allowed. The Opponent No.1/P.I.O. to comply with the order of the First Appellate Authority passed on 10.05.2012 in Appeal No. 143/D.MA/R.T.I./2012 and/or to furnish the information which was not furnished so far, **free of cost, within 20 days from the receipt of this Order.**

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 25<sup>th</sup> day of July, 2012.

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