

GOA STATE INFORMATION COMMISSION

“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Complaint 23/SIC/2013

Decided on: 03/06/2014

Mr. Nilesh D’Souza,
132/32, Silvanagar,
Ponda, Goa – 403401.

V/s

- 1) The Principal Chief Engineer,
P.W.D, Altinho,
Panaji – Goa.
- 2) The Public Information Officer,
The Deputy Director of Administration,
P.W.D, Altinho,
Panaji – Goa.
- 3) The Manager,
P.W.D. Labour Supply Society,
Altinho, Panaji – Goa.

ORDER (Open Court)

RTI application dated	:	25/02/2013
PIO reply dated	:	11/03/2013
First Appeal dated	:	Not filed
FAA Order dated	:	Nil
Complaint filed on	:	22/03/2013

This complaint case arises out of RTI application 25/02/2013 made to the PIO in the office of the Principal Chief Engineer, PWD asking information about a particular PWDLSS (P.W.D. Labour Supply Society). A reply was given on 11/03/2013 quoting the Manager of PWDLSS that the said society was an NGO and did not come under the purview of RTI Act. Aggrieved, the complaint was filed directly with the SCIC under Sec 18 and was taken on the register of the SCIC Complaint cases. Since the post of SCIC had then fallen vacant and remained so till the end of October 2013, I have considered it fit to complete the hearing even though First Appeal was not made.

It is also pertinent to note that another RTI application asking questions about the same PWDLSS was also made on 04/03/2013 for which the same reply was given. A first appeal was made in that case in which the First Appellate Authority had dismissed the appeal and upheld the contention of the PIO. This had resulted in a 2nd Appeal No 94/SIC/2013 being filed therein.

In view of this background the complaint was fit to be heard even without a First Appeal. The crux of the matter is whether the PWDLSS falls under the purview of RTI Act or not, can it be called a public authority? The Second Appeal No. 94/SIC/2013 referred to above was also taken up for hearing during the pendency of this complaint.

It has since been decided in the above said Second Appeal No. 94/SIC/2013 that the PWDLSS, by the nature of its membership and working, is a Public Authority within the definition of RTI Act.

It is also observed that the PIO of the PWD department was earlier declared as the PIO for the purpose of PWDLSS. By another circular dated 11/12/2012 the PWD had also declared the Manager of PWDLSS as the APIO. Accordingly an elaborate Judgment has been passed directing the PIO of the PWD department to give all the proper answers to the RTI application for the Second Appeal No. 94/SIC/2013. Since the issue involved here is same, I order as follows –

- - O R D E R - -

Complaint is allowed. PWDLSS is declared as a Public Authority within the purview of RTI Act. The PIO of the PWD department is directed to give all the information asked in the RTI application free of cost. If there is any information which is with another office bearer of the society then the PIO should transfer the relevant question to such office bearer under Sec. 6(3), who will thereby become the Deemed PIO. The prayer regarding Penalizing the Principal Chief Engineer, PWD as well as the prayer for compensation to the complainant is dismissed as the initial denial of information was on the questionable status of PWDLSS, as far as the PIO is concerned.

Order declared in open court. Parties shall be informed of this detailed order.

Sd/-

(Leena Mehendale)

Goa State Chief Information Commissioner
Goa State Information Commission
Panaji – Goa