

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 70/SCIC/2008

Shri. Prabhakar S. Yende,
C/o Mapusa Jana Jagruti Samiti,
H. No. 35 of J.T. Shetye, Ward No. 11,
Khorlim, Mapusa – Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Mapusa Municipal Council,
Mapusa - Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji – Goa.

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Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 15/10/2008.

Appellant in person.

Respondent No. 1 in person. Respondent No. 2 absent.

ORDER

In this case, the Appellant has asked for information from the Public Information Officer seeking information on further action taken by the Municipal Council on their letters dated 9/08/2008 addressed to Shri. Gurudas Naik in the matter of allotment of two stalls No. T-56 and T-57 at KTC bus stand at Mapusa. The Appellant asked in all 7 questions out of which the Appellant made a grievance that the question No. 6 is not answered. The question reads "kindly inform us what action will initiate against such Staff members for the harassment meted out to Shri. Gurudas Naik by them". The first Appellate Authority has directed the Public Information Officer to "furnish the detailed, adequate and point-wise information to the letters of appellant dated 18/1/2008 and 21/1/2008 within a period of 10 days." Thereafter the Appellant was furnished detailed information on 15/05/2008. The only point that was remaining was to furnish the copy of the complaint of Shri. Gurudas Naik and copy of enquiry conducted into that complaint. A reply was furnished by the Respondent No. 1 to the Appellant that there is no written

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complaint against Shri. Gurudas Naik. However, based on an oral complaint, an enquiry was conducted but no report was prepared and hence, copies of neither complaint nor the enquiry report were furnished to the Appellant. The whole question arose because the delay of allotment of the stalls to Shri. Gurudas Naik. It is true that there was some delay in the allotment based on an alleged oral complaint. It had come on record that neither there is a written complaint nor was the report available in the Mapusa Municipal Council. As there are no records, the Respondent No. 1 obviously could not give these copies. No action can be taken under the Right to Information Act to compel the Public Information Officer to give the reasons for delay to allot the shops to Shri. Gurudas Naik. Hence, I hold that there is sufficient compliance by the Public Information Officer to the request dated 21/01/2008 made by the Appellant. Therefore, second appeal is dismissed. For the same reason, I also dismiss for taking punitive action against the Respondent No. 1.

Pronounced in the open court on this 15th day of October, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner