

GOA INFORMATION COMMISSION

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

Complaint No. 31/SCIC/2008

Shri. Jose Cruz F. Gomes,
H. No. 67-A, Bazar, Cuncolim,
Salcete – Goa.

..... Complainant.

V/s.

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

..... Opponents.

CORAM:

Shri. A. Venkataratnam
State Chief Information Commissioner
&
Shri. G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 23/10/2008.

Complainant present.

Opponent absent.

ORDER

This complaint arises out of an order passed by this Commission on 26/06/2008 in second Appeal No. 150/2007 directing the Director of Municipal Administration, the first Appellate Authority, to inspect the office of the Chief Officer of Cuncolim Municipal Council, the Opponent No. 1 herein and furnish the detailed report by way of an affidavit within one month thereof. Earlier the Opponent No. 1 replied to the Complainant that the documents requested by the Complainant are "not traceable". The appeal was not finally decided pending the receipt of the report of the Director of Municipal Administration. The Cuncolim Municipal Council, as a public authority, was directed to pay a compensation of Rs.1000/- to the Complainant for the inconvenience caused to him. In compliance thereof, the Opponent No. 2 herein, has inspected the office of the Opponent No. 1 and filed an affidavit and confirmed that no record is available with the Municipal Council to reveal on what basis "the last Part No. 67-B of a

...2/-

house number was allotted". The Complainant now, by the present complaint has asked for the certified copies of this affidavit and also informed that the compensation awarded was not paid to him.

2. Notices were issued to the Public Information Officer and Complainant. The Complainant and Opponent No. 1 were present in person. The Opponent No.1 filed a reply stating that a writ petition has been filed before the Hon'ble High Court. He stated that a copy was annexed to the written statement.

3. In the written statement, the Opponent No. 1 has stated that he has challenged the order dated 26/06/2008 passed by the Commission. In fact, the Opponent No. 2 had already passed an order dated 25/01/2008 giving direction to the Opponent No. 1 to furnish the complete information to the Complainant within 10 days. The Opponent No. 1 has not made any grievances regarding the said order of the First Appellate Authority nor has he challenged the same before this Commission. The Commission has also not set aside or quashed the order of the First Appellate Authority and therefore, the said order of the First Appellate Authority stands and is in operation as on this date.

4. The Commission was satisfied that the considerable hardships and inconveniences were caused to the Complainant and therefore, the Commission ordered the Municipal Council i.e. public authority to pay compensation of Rs.1000/- to the Complainant in Appeal No. 150/2007. The compensation is payable by the Municipal Council and not by the Public Information Officer, Opponent No. 1 herein and the Petitioner in the writ petition before Hon'ble High Court. The Opponent No. 1 herein has not explained the reasons as to why the amount of compensation has not been paid to the Complainant so far. As can be seen from the annexures of the synopsis and the points to be heard attached to the statement, at point No. II(b), the Opponent No. 1 has also raised the point as to whether the Respondent No. 3 is justified in awarding cost to the Respondent No. 1. In this context, it is to be noted that the Commission has awarded the compensation to be paid by the Cuncolim Municipal Council to the Complainant in terms of the provisions to sub-section (8) of section 19 of the RTI Act and not the cost. In the absence of the copy of writ petition, I am not aware whether the Petitioner has

challenged the order of the Commission regarding the payment of compensation by the Municipal Council to the Complainant. I am also not aware the prayers made by the Petitioner in the said petition and as to whether any interim relief has been prayed for by the Opponent No. 1 and or whether any interim relief has been granted by the Hon'ble High Court. Though in the written statement filed before me, the Opponent No. 1 has stated that the copy of the writ petition has been annexed but no such copy of the petition has been annexed to the written statement. That apart, the Opponent No. 1 has also not produced any copy of the order passed by the Hon'ble High Court staying the operation of the order of this Commission.

5. In these circumstances, I have no other alternative but to direct to Cuncolim Municipal Council to pay the compensation to the Complainant immediately without any loss of time. The Opponent No. 1, Chief Officer of Cuncolim Municipal Council should ensure that the compensation awarded to the Complainant is paid from the Municipal funds and file the compliance report before this Commission on 15/11/2008 at 11.00 a.m. The Cuncolim Municipal Council is free to recover this amount of compensation from the person responsible for causing the harassment, inconveniences and hardships to the Complainant.

6. All the parties may be informed of this decision. The complaint dated 25/08/2008 and the second appeal dated 18th March, 2008 stand disposed off accordingly.

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

Sd/-
(G. G. Kambli)
State Information Commissioner

