

GOA STATE INFORMATION COMMISSION
Ground Floor, "Shrama Shakti Bhavan," Patto Plaza, Panaji.

Complaint No. 41/SIC/2008
In
Appeal No. 31/SIC/2008

Shri Francis Monteiro
H. No. 137/2, Mercedes Vady
Carmitta Bhat
Tiswadi – Goa

.... Complainant

V/s.

1. The Public Information Officer
Shri Rupesh Alankar
The Secretary
Village Panchayat Mercedes
Mercedes, Tiswadi – Goa

.... Respondent No. 1

2. The First Appellate Authority
The Block Development Officer
Tiswadi Block
Panaji – Goa

.... Respondent No. 2

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 24.11.2008

Shri R. S. Sardesai, Advocate for the Complainant.
Advocate Shri P. Phaldessai for Respondent No. 1.

ORDER

This will dispose off the complaint dated 07.10.2008 filed by the Complainant abovenamed alleging that the Order dated 29.08.2008 passed by this authority in second appeal No. 31/SIC/2008 has not been complied with by the Respondent No. 1. Upon issuing the notices, the Respondent No. 1 filed the reply. The arguments of both the Learned Advocates were also heard.

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2. This Commission by its Judgment and Order dated 29.08.2008 had directed the Respondent No. 1 to lodge a complaint/FIR before the concerned Police Station for tampering with the records of the Panchayat. The Respondent No. 1 was also further directed to request the Police authority to find out whether any person by name Francis Xavier Monteiro resides at Carmibhat, Mercas and house bearing No. 137/12/ belongs to that person. The Respondent No. 1 was directed to submit the compliance report before this Commission on 06.10.2008 at 11:00am.

3. The case of the Complainant is that inspite of the order passed by this authority, the Respondent No. 1 did not comply with the same and, therefore, the Complainant prays that strict action be taken against the Respondent No. 1 and the penalty be imposed on the Respondent No. 1. The Complainant also prayed for a direction to the Respondent No. 1 to delete the said endorsement from the respective register. In the reply, the Respondent No. 1 submitted that in compliance with the order of this Commission, the Respondent No. 1 promptly vide letter dated 23.09.2008 filed the complaint (FIR) before the Old Goa Police Station and requested to enquire into the matter and to take action vide complaint dated 23.09.2008. The same fact was also informed to this Commission on 23.09.2008 enclosing therewith a copy of the complaint.

4. Shri R. S. Sardesai, Learned Advocate for the Complainant submitted that the Respondent No.1 ought to have filed the compliance report before this Commission on the date and time fixed by the Commission, i.e. on 06.10.2008 at 11:00am. The procedure adopted by the Respondent No. 1 in tendering the compliance report in the office was not proper. I agree with the Learned Advocate for the Complainant that the Respondent No. 1 ought to have appeared before this Commission on 06.10.2008 at 11:00am and filed the compliance report or brought to the notice of the Commission about the filing of the said compliance report on 23.09.2008. Since the Respondent No. 1 did not appear before this Commission on 06.10.2008 at

11:00am, the Complainant is forced to file the present complaint. Had the Complainant remained present on 06.10.2008 at 11:00am, the matter would have been cleared and the present complaint could have been avoided.

5. Be that as it may, the Respondent No. 1 has already complied with the order dated 29.08.2008 of this Commission and, therefore, the question of taking any action against the Respondent No. 1 does not arise. As regards the other prayer of the Complainant to give directions to the Respondent No. 1 to delete the endorsements from the entry of the register, it is outside the purview of the Right to Information Act, 2005. No such directions can be given by the Commission to the Public Information Officer. The Complainant is free to agitate this matter before the competent authority for redressal of his grievances.

6. In the result, nothing survives in the present complaint and, therefore, the same is hereby dismissed.

Pronounced in the open Court on this 24th day of November 2008.

Sd/-
(G. G. KAMBLI)
STATE INFORMATION COMMISSIONER

