

GOA INFORMATION COMMISSION

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

Appeal No. 160/SCIC/2008

Shri. Ronnie Rodrigues,
H. No. 1774, Town Planning Colony,
Alto Betim, Porvorim,
Bardez – Goa – 403 521.

..... Appellant.

V/s.

1. Public Information Officer,
The Commissioner,
Corporation of City of Panaji,
Panaji - Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 30/12/2008.

Appellant in person.

APIO on behalf of Respondent No. 1.

Respondent No. 2 absent.

ORDER

This disposes off the second appeal filed on 20th September, 2008
praying:

- i) to direct the Public Information Officer to give certain information requested by the Appellant on 28/01/2008 under the Right to Information Act, 2005 (hereinafter referred to as the RTI Act);
- ii) to impose a penalty on the Public Information Officer for not giving information strictly;
- iii) to compensate him for the inconvenience caused to him and
- iv) to direct the Public Information Officer to rehabilitate the rehabilitate by allotting him a shop in new market complex.

...2/-

2. Notices were issued and as mentioned above, the Appellant appeared in person. The Asst. Public Information Officer represented the Public Information Officer and nobody represented the First Appellate Authority. In spite of giving opportunity to the Respondent No. 1, he has neither submitted any statement nor was present for the final hearing on 10/12/2008. It must be stated for record that the case was adjourned on 9/12/2008 which was declared by the Government as holiday suddenly. All the cases fixed for 9/12/2008 were taken up for final hearing on 10/12/2008. Though no separate notice has been issued, it is the practice followed by this Commission to take up such cases the next day and in a number of cases the parties have already appeared on that date. This case, therefore, is taken up for final orders.

3. Though the request arises from his personal grievances about non-allotment of shop/gadda in the new market complex, there are other questions raised by the Appellant regarding the supply of the list of shops/stalls/gadda owners and the allottees in the new Corporation market Phases I, II and III, apart from details of his own case. The request was never replied by the Respondent No. 1. In the hearing before the First Appellate Authority, Respondent No. 1 submitted that the files have been taken away by the Vigilance Department. However, he was directed by the First Appellate Authority to obtain information either from the Vigilance Department or from the alternate files available in the Corporation of the City of Panaji and furnish the information to the Appellant. This has not been done and on an application to the First Appellate Authority to implement his own order, the Appellant was directed to approach this Commission.

4. There is no reason either for non-compliance of the order of the First Appellate Authority nor for not sending any reply to the Appellant nor any reason for non-appearance before this Commission. Before a final view can be taken about imposition of penalty and compensation as requested by the Appellant, the Respondent No. 1 is directed to furnish whatever information is available with him from his records to the Appellant's request. If the records are not available with the Respondent No. 1 as directed by the First Appellate Authority, the same may be obtained from the Vigilance Department and the information should be given in the next 10 days from the date of this order.

5. The prayers regarding the direction to the Public Information Officer to rehabilitate the Appellant in the new market complex is beyond the scope of the RTI Act and is hereby rejected. The prayers regarding penalty and compensation will be decided after watching the compliance of this order.

Announced in the open court on this 30th day of December, 2008.

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

