

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 279/SCIC/2008

Shri Ketan S. Govekar,
F-5, Wadji Building,
Next to St. Inez Church,
St. Inez, Panaji - Goa.

..... Appellant.

V/s.

1. Mr. S. J. Godse,
The Public Information Officer,
Dhempe College of Arts and Science,
Miramar, Panaji - Goa.
2. Dr. S. V. Deshpande,
The First Appellate Authority,
Dhempe College of Arts and Science,
Miramar, Panaji - Goa.

..... Respondents.

Appellant present in person.

Respondent No. 1 also in person. Shri. Aamod Shirali, authorized representative for Respondent No. 2.

J U D G M E N T

(Per Afonso Araujo)

Denial of the information sought under the Right to Information Act (to be referred as the Act) by the Public Information Officer and subsequently the First Appellate Authority not disposing the Appeal within the stipulated time are the issues to be dealt with in this Second Appeal.

2. The Appellant moved an application dated 13/10/2008 to the Public Information Officer of the Educational Institution Dhempe College of Arts and Science, Panaji, the Respondent No. 1 seeking certain information enumerated at Sr. No. 1 to 17 in the said letter. The information required at Sr. No. 1 to 5 in respect of the Department of History; at Sr. No. 6 to 9 pertains to the Department of Political Science; Sr. No. 10 to 13 certified copies of the list of teachers appointed in the college for the academic year starting 2005, 2006, 2007, 2008 and 2009; Sr. No. 14 and 15 certified copies of letters written by the Appellant to the institution and at Sr. No. 16 and 17 certified copies of the sick leave application of the Appellant.

...2/-

3. The Appellant did not receive any reply from the Respondent No. 1 within the stipulated time and approached the First Appellate Authority, Respondent No. 2 on 29/11/2008 for relief. The Appellant on 20/12/2008 received the information sought in the letter dated 13/10/2008 except Sr. No. 14 which is a certified copy of letter dated 8/8/2007 registered under No. 1613 in the inward register on 8/8/2008. In the hearing of 29/12/2008, the Appellant made a grievance before the Respondent No. 2 of not obtaining the information at Sr. No. 14. The Respondent No. 2 directed the Respondent No. 1 to furnish the information at Sr. No. 14 and subsequently the Respondent No. 1 did not give the information on the ground that there is an error on the date of the registration in the inward register. In spite of the direction by the Respondent No. 2 to the Respondent No. 1 in the subsequent hearings on 7/01/2009, 12/01/2009, the Respondent No. 1 did not give the information sought on item No. 14. As the First Appellate Authority did not pass the judgment within the stipulated period prescribed in the Act, the Appellant filed the present Appeal on 29/01/2009.

4. In his submission, the Appellant contended that the information sought by his letter dated 13/10/2008 was not given after expiry of total period of 45 days and he had to file First Appeal before First Appellate Authority on 29/11/2008 and that he received the information on 20/12/2008 except at Sr. No. 14 and that the mistake in mentioning the date of registration as 2008 instead of 2007 does not entitle Respondent No. 1 not to give the information and that no progress has been made in subsequent hearings by the First Appellate Authority on 7/01/2009, 12/01/2009 and that the Respondent No. 2 did not pass his judgment within 45 days as required by the Act and as there has been a long delay to get the information, the Appellant had to file this Second Appeal.

5. On the other hand, Shri. S. J. Godse, Respondent No. 1 contended that the information sought was given to the Appellant on 20/12/2008 except information at Sr. No. 14 which could not be given as there was confusion on the date of registration in the inward register. Shri. Shirali

appearing for Respondent No. 2 stated that the delay in passing order was not intentional and the Respondent No. 1 also occupies with annual function, various college activities and staff already was on Christmas Vacation and the Respondent No. 2 were making efforts to direct the Respondent No. 1 to give the information at Sr. No. 14 and that the Appellant without waiting for the outcome of the Respondent No. 2 filed second appeal before the Commission.

6. I have gone through the records and proceedings of this case and taken into consideration the arguments of both the parties. As the request for the information made by the Appellant on 13/10/2008, was not rendered by the Respondent No. 1 within the prescribed time limit in the Act, the Appellant moved the Respondent No. 2 by First Appeal on 29/11/2009 and the hearing of Appeal was fixed on 29/12/2008 to seek the required information. In the meantime, the Respondent No. 1 on 20/12/2008 provided the information required by the Appellant except the item No. 14 in the letter dated 13/10/2008. The answer to the query No. 14 of the Respondent No. 1 is that no record of the letter written by Ketan S. Govekar dated 8/8/2007 registered under No. 1613 dated 8/8/2008 is found in our inward register. The Appellant in the hearing of 29/12/2008 before the Respondent No. 2 pointed out the denial of the information at Sr. No. 14. The Respondent No. 2 directed the Respondent No. 1 to provide the information and in the reply the Respondent No. 1 contended that there is an error in respect to the date of registration in the book of register of the institution.

7. The information item No. 14 of the letter dated 13/10/2008 reads as follows: -

“Kindly furnish a certified copy of the letter written by Ketan S. Govekar dated 8-8-2007 which is registered at No. 1613 dated 8-8-2008 in the Inward Register of the Dhempe College of Arts and Science.”

It appears that there was a mistake on the date 8/8/2008 when infact it should have been 8/8/2007 otherwise it would have been difficult to believe that the letter written on 8/8/2007 was registered in the inward

register on 8/8/2008 on the next year i.e. 2008. It was this mistake that prevented the Respondent No. 1 to delay and deprive the Appellant of the information sought. The Respondent No. 2 rightly had given the direction to the Respondent No. 1 to provide with the information to the item No.14 and the hearings on 7/01/2009, 12/01/2009 indicates that the instructions were given to the Respondent No. 1 to provide the Appellant with the information required.

8. Once, the Respondent No. 1 did not comply with the direction of the Respondent No. 2, proper course of the Respondent No. 2 should have been to pass the judgment in accordance with the provision of the Act. Section 19(6) of the Act says: -

“An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding the total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.”

As per this mandatory provision, the Respondent No. 2 should have disposed this Appeal within 30 days from the date the same was filed and in case Appeal could not be pronounced within the period of 30 days, it could have been extended for total period of 45 days but the reasons had to be recorded in writing for not pronouncing within the period of 30 days.

9. The Respondent No. 2, on account of the hearings kept for the purpose of giving direction to the Respondent No. 1 and also due to the exigencies of the work which the Respondent No. 2 is called for as the Head of Educational Institution, delayed in pronouncing the judgment. This delay was not intentional or deliberate but on genuine grounds. The Appellant did not wait for the outcome of the First Appeal and preferred the Second Appeal. In such circumstances, a remand of the case in order to dispose the First Appeal by the Respondent No. 2 would have served the purpose. However, considering there has been long delay in providing the information to the Appellant it would be proper that the direction be

given to the Respondent No. 1 to provide with the information needed.
Hence, I pass following order: -

ORDER

The Appeal is partly allowed. The Respondent No. 1 is directed to provide the information on item No. 14 of the request dated 13/10/2008 within a period of 15 days from the date of this order.

Pronounced in the open court on this 24th day of April, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

