

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 216/SCIC/2008

Shri Sandeep Dessai,
Jr. Engineer,
Office of the Chief Electrical Engineer,
Vidyut Bhawan, Panaji - Goa.

..... Appellant.

V/s.

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

..... Respondents.

Authorized representative Shri Kashinath Shetye present for Appellant.

Authorized representative Shri Octaviano Dias for Respondent No. 1.

Smt. Sneha Morajkar, authorized representative for Respondent No. 2.

J U D G M E N T

(Per Afonso Araujo)

The Appellant on 29/08/2008 moved the Public Information Officer, the Superintendent of Police (Traffic), Panaji seeking information enumerated at points No. 1 to 13 and also sought inspection of all the relevant documents after they were kept ready. On 2/9/2008, the Public Information Officer, Superintendent of Police, Traffic transfer the information at points No. 2, 3, 4, 5 and 9 of the letter dated 29/08/2008 to the Commissioner, Corporation of City of Panaji, Respondent No. 1. As the information sought was not provided within the period of 30 days, the Appellant considered this denial within this prescribed period as deemed refusal and filed the First Appeal before the Respondent No. 2, the First Appellate Authority. The Respondent No. 2 on the submissions made by the Respondent No. 1 that the information sought by the Appellant is available in office record, by order dated 5/11/2008, directed the Respondent No. 1 to make available the information within 10 days and also allow inspection of records to the Appellant.

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2. As the Respondent No. 1 did not comply with the order dated 5/11/2008 and failed to provide with information, the present Second Appeal praying not only for providing the information sought but also for imposing penalty; initiating disciplinary proceedings against Respondent No. 1 for disobeying the order of Respondent No. 2 and compensation for harassment to the Appellant.

3. During the arguments, the Respondent No. 1 stated that the information sought was provided on 23/2/2009, and admitted there was delay but it was on account of the details were not available and it had to be furnished from the Police.

4. Since the information sought by the Appellant was provided on 23/2/2009, the question remains regarding the imposition of penalty, instituting disciplinary proceedings against the Respondent No. 1 and compensation to the Appellant.

5. As per the provision of section 7(1) of the Act, the Public Information Officer on a receipt of a request for information shall, as expeditiously as possible and in any case within thirty days of the receipt of the request, either provide the information or reject the request. It is a mandatory provision requiring the Public Information Officer to be prompt in disposing the request for information within a period of 30 days. The Appellant sought information in the letter dated 29/08/2008 from Public Information Officer, the Superintendent of Police (Traffic) who in turn on 2/9/2008 within the period of 5 days as stipulated in the proviso to sub-section (3) of section 6 of the Act, transferred the items at 2, 3, 4, 5 and 9 of the letter dated 29/8/2008 to the Respondent No.1. On the receipt of this transfer, the Respondent No. 1 failed to provide the information within a period of 30 days and the information was provided only on 23/2/2009 during the pendency of the Second Appeal.

6. No doubt that there was delay on the part of the Respondent No. 1 to provide the information to the Appellant, a fact which the Respondent No. 1 admitted. But considering that the justification for delay was on account of the information sought was not available and had to be obtained alongwith the Police Department (Traffic), no

purpose is served to penalize or initiate disciplinary proceedings or order to grant compensation. The Respondent No. 1 to be more cautious and be responsible in dealing with matter under the Act and strictly adhere to provision regarding the limitation while disposing the request for information under the Act.

7. With these observations, the Appeal is disposed off.

Pronounced in the open court on this 27th day of April, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

