

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 283/SCIC/2008

Mr. Kashinath Shetye,
R/o. Bambino Building,
Alto Fondvem, Ribandar,
Tiswadi - Goa.

..... Appellant.

V/s.

The Public Information Officer,
Executive Engineer Plg,
Electricity Department,
Panaji - Goa.

..... Respondent.

Appellant present in person.

Respondent also present in person.

J U D G M E N T

(Per Afonso Araujo)

Failure to comply by the Respondent with the directions ordered by the First Appellate Authority thereby denying the information sought to the Appellant is the grievance in this Second Appeal.

2. The Appellant on 25/07/2008 sought information under the Right to Information Act, 2005 (for short the Act) from the Public Information Officer, Executive Engineer (Plg), Electricity Department, Panaji, in a number of items enumerated from 1 to 14. The Appellant also sought inspection of all files relating to Restructuring Package including notings and all files relating to the creating of posts of Asst. Executive Engineer. In the note at the end of the letter, the Appellant stated that after the request of information was ready, he may be given inspection to choose the documents and take copies. The Respondent did not provide the information sought which led the Appellant to file the First Appeal before the First Appellate Authority, Superintending Engineer – II(N), Panaji. The First Appellate Authority on the submission made by the Respondent in agreeing to provide with the information to the Appellant, by order dated 23/1/2009 disposed the First Appeal directing the Respondent to furnish the desired information within a week to the Appellant.

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3. The Respondent did not comply with the order of the First Appellate Authority in providing the information to the Appellant. Hence, this Second Appeal for seeking the information required in the request dated 25/07/2008; imposing penalty on the Respondent for denying the information and compensation for the detriment/harassment caused to the Appellant.

4. During the arguments, it was pointed out that the Respondent by letter dated 28/07/2008 sought assistance of Deputy Director (Administration), Office of Chief Electrical Engineer to provide with information to the Respondent on the matters stated in the letter dated 25/07/2008. The fact that the Respondent took recourse of the provision of section 5(4) of the Act was not pointed out before the First Appellate Authority and for the first time in Second Appeal, the Deputy Director (Admn.) was treated as Deemed Public Information Officer as per section 5(5) of the Act. Indeed the order of the First Appellate Authority directing the information to be provided within a week is on the Respondent rather than the Deemed Public Information Officer. In such circumstances before dealing with penalty and compensation it would be proper to direct Deemed Public Information Officer, Dy. Director (Admn.) to give effect to the letter dated 28/7/2008 of the Respondent and provide the information to the Appellant of items enumerated in the letter dated 25/07/2008. Hence, the following order: -

ORDER

The Appeal is allowed. The Deemed Public Information Officer, Deputy Director (Admn.), Office of Chief Electrical Engineer to provide to the Appellant with information enumerated in the letter dated 25/07/2008 within a period of 15 days and submit the report of compliance to this Commission on 22/05/2009 at 10.30 a.m.

Copy of this order should be sent to the Deputy Director (Admn.), Office of Chief Electrical Engineer, Electricity Department, Panaji - Goa.

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

Sd/-
(Afonso Araujo)
State Information Commissioner

