

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 284/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)

Non-compliance with the direction ordered by the First Appellate Authority in the order dated 23/1/2009 and consequently denying the Appellant of the information sought is the grievance in this Second Appeal.

2. The Appellant approached the Public Information Officer, Executive Engineer (Plg), Electricity Department, the Respondent by letter dated 25/07/2008, and sought information under the Right to Information Act, 2005 (for short the Act) on items enumerated at 1 to 8, and also sought inspection of all files relating to transfers including notings and all the files relating to the creation of posts. In the note at the end of the same letter the Appellant stated that after the request of information was ready, the inspection be given to choose the documents and take the copies thereof. The Respondent failed to provide the Appellant with the information sought for which the First Appeal was filed and by order dated 23/1/2009, the First Appellate Authority directed the Respondent to provide the information sought within a week. As the Respondent did not comply with the order of the First Appellate Authority, this Second Appeal, praying for the information required; imposing penalty on the Respondent for denying the information and compensation by the Respondent for causing detriment/harassment to the Appellant.

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3. 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 27<sup>th</sup> day of April, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



