

GOA INFORMATION COMMISSION

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

2nd Appeal No: 05 / 08-09 / _____

Shri Kashinath Shetye,
Bambino Building, Alto Fondvem,
Ribandar, Tiswadi - Goa.

..... Appellant

V/s

1. The Public Information Officer,
The Secretary,
Goa State Agricultural Marketing Board,
Arlem, Raia, Margao - Goa. Respondent No.1..
2. The Public Information Officer,
The Deputy Director of Administration,
Office of the Principal Chief Engineer,
P.W.D, Altinho, Panaji - Goa. Respondent No.2..
3. The First Appellate Authority,
The Superintending Surveyor of Works,
Public Works Department,
Altinho, Panaji - Goa. Respondent No.3..

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 09/07/2008

Appellant in person.

Adv. Devidas Pangam for the respondent No. 1.

Respondent No. 2 in person.

Respondent No. 3 absent.

O R D E R

The Appellant challenges the order dated 25/03/2008 passed by the Respondent No. 1 i.e. the Public Information officer by way of this 2nd Appeal under the Right to Information Act 2005 (for short the Act), on various grounds as set out in the memo of Appeal. The Respondent No. 1 filed the written reply and also raised various preliminary objections besides on merits. The Respondent No. 2 also filed the reply.

...2/-

2. The arguments of the Appellant as well as the learned Advocate of the Respondent No. 1 Shri Devidas Pangam were heard. The first point that comes for our consideration is whether the present 2nd appeal is maintainable before this Commission under the Act. The Appellant has directly challenged the order of the Public Information Officer before this Commission by this 2nd Appeal. Sub-section (3) of section 19 of the Act contemplates that a 2nd appeal lies to the Commission against the decision made under sub-section (1) of section 19 of the Act. A decision under sub-section (1) of section 19 of the Act is required to be taken by the First Appellate Authority in an Appeal filed against the decision of the Public Information Officer. Apparently, the Appellant has not preferred an appeal before the First Appellate Authority under section 19 (1) of the Act and there is no decision of the First Appellate Authority.

3. In the present 2nd Appeal, the Appellant is not challenging any decision of the First Appellate Authority made under sub-section (1) of section 19 of the Act and therefore, on this count alone, the appeal is liable to be rejected as not maintainable. We are not discussing the merits of the case as the same is not maintainable.

4. We, therefore, reject the 2nd appeal of the Appellant as not maintainable under sub-section (3) of section 19 of the Act.

5. Pronounced in the open Court on this 9th day of June 2008 at 11.00 a.m.

Sd/-
(G. G. Kambli)
State Information Commissioner

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