

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 235/SCIC/2008

Shri Surendra Furtado,
Timotio Bldg., 1st Floor.
Next to Navhind Times,
Panaji - Goa

..... Appellant.

V/s.

1. The Public Information Officer,
Corporation of the City of Panaji,
Panaji - Goa

..... Respondent No. 1

2. The First Appellate Authority,
The Director,
Directorate of Municipal Administration,
Panaji - Goa

..... Respondent No. 2.

Appellant in person.
Respondent No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

Deemed refusal of the information and not content with the information provided by the Public Information Officer in pursuance of the order of the First Appellate Authority, are the grievances of the Appellant in this Second Appeal.

2. The Appellant on 15.09.2008 sought the following information under the RTI Act:

- 1) No. of gardeners employed by the CCP till November 2006.
- 2) No. of gardeners employed by the CCP from January 2007 till date.
- 3) Name and addresses of these gardeners and the amount being paid to them every month.
- 4) How many gardeners employed in which gardens.
- 5) Whether CCP or the Forest Dept. is looking after the maintenance of the Median from KTC to Kala Academy.
- 6) Which Corporate Houses are maintaining our gardens.

...2/-

3. As the Appellant did not obtain the information sought within the prescribed period of 35 days since the letter of request was made to Assistant Public Information Officer, the Appellant approached the First Appellate Authority on 23.10.2008 who by order dated 17.11.2008 directed the Respondent to provide the information within 10 days from the date of the order. The Appellant preferred Second Appeal on 28.1.2008 praying that the Respondent to provide the correct information; that maximum penalty of Rs. 25,000/- be imposed on Respondent No. 1, disciplinary proceedings be started against him and compensation be granted to the Appellant for harassment. Shri Furtado contented that the information, which is sought on 15.09.2008 was provided to him on 14.11.2008, which is not within the time and that, it is wrong information. The Respondent No. 1 filed reply on 1st April 2009 stating that on account of compelling circumstances the Respondent could not give the information within stipulated time and that prior to passing the order of the First Appellate Authority dated 17.11.2008 the Respondent by letter dated 14.11.2008 specifically gave the information required and that the Respondent has not acted in a malafide manner and not given any misleading information.

3. I have gone through the records and taken into consideration submissions of the Appellant. The information, which was sought on 15.09.2008 the Respondent has to provide atleast within 30 days. As this letter of request dated 15.09.2008 was addressed to the Assistant Public Information Officer who has to forward this application to the Public Information Officer, a period of five days is to be added to the prescribed limit of 30 days for providing the information. It appears that the Public Information Officer did not provide the information within the period of 35 days and the Appellant approached the First Appellate Authority on 23.10.2008. The records indicate that the Respondent No. 1 by communication dated 14.11.2008 provided the information sought, a fact which the Appellant admits but states that the reply given is not according to the information sought.

4. The reply given in the letter dated 14.11.2008 is as follows:

- 1) 39 nos. garden workers are employed till November 2006.
- 2) 45 nos. garden workers are employed, till date.

- 3) Enclosed.
- 4) The workers are shifted in different gardens as per requirements.
- 5) Median Opp. KTC are maintained by CCP.
- 6) No gardens are maintained by Corporate Houses.

On analyzing the information provided on 14.11.2008 with the information sought in the letter dated 15.09.2008, it indicates that the information provided at point No. 1 to 5 by the Respondent No. 1 meets respectively the requirements at point No. 1 to 5 to the letter dated 15.09.2008 of the Appellant. The contention of the Appellant that the information provided is wrong cannot be accepted. The Respondent No. 1 specifically provided in his reply dated 14.11.2008 the information required by the Appellant and in no manner it can be said that the same is wrong. Considering that the information sought was provided a question remains whether the same was provided within the stipulated time or not. The records indicate that the information sought on 15.09.2008 was provided only on 14.11.2008. The Public Information Officer, Shri Melwyn Vaz is to justify this delay for which a show cause notice requires to be issued. Hence, the following order:

ORDER

The appeal is partly allowed. A show cause notice is issued to the Public Information Officer, Shri Melwyn Vaz as to why penalties should not be imposed on him on account of delay in providing the information and file the reply on 27.10.2009.

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

Sd/-
(Afonso Araujo)
State Information Commissioner

