

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No. 38/SCIC/2009

Shri Mahesh P. Kamat,
Shivnery Co-op. Housing Society,
Comba, Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Kadamba Transport Corporation Ltd.,
Paraiso de Goa Building,
Alto Porvorim – Goa.
2. First Appellate Authority,
Kadamba Transport Corporation Ltd.,
Paraiso de Goa Building,
Alto Porvorim – Goa.

..... Respondents.

Appellant in person.

Adv. A. Kakodkar for the Respondents.

J U D G E M E N T **(25-11-2009)**

1. The Appellant has preferred this appeal praying that the information as requested by the Appellant be furnished to him; that the same be provided free of charge, penalty be imposed and also for compensation.

2. The brief facts of the case are that the Appellant had filed an application dated 19/03/2009 under the Right to Information Act, 2005, thereby requesting the Public Information Officer to provide inspection of various files specified therein. That the Public Information Officer provided the inspection of records on 13/04/2009 except for records at Sr. No. 11. That the records of decision of the Grievance Committee/Board of Directors were not shown to the Appellant. That the Appellant vide letter

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dated 15/04/2009 desired copies of the record based on the inspection carried out on 13/04/2009 and desired re-inspection of only the inquiry files of the applicant, Shri S. V. Naik and Shri P. A. Gaonkar. It is the case of the Appellant that Public Information Officer vide letter dated 08/05/2009 furnished 51 copies, including some copies not desired by the Appellant and also assured to replace the copies erroneously provided, however, the same were not furnished on some reason or other. It is further the case of the Appellant that thereafter the Appellant preferred First Appeal which appeal has not been decided by the First Appellate Authority till date. Since no copies were furnished and since appeal was not decided the Appellant has approached this Authority on various grounds which are set out in the Memo of Appeal.

3. The case of the Respondent No. 1 is that the appeal is bad for misjoinder of Respondent No. 2 and its contents are garbled. On merits it is the case of Respondent No. 1 that the Appellant has not specifically stated as to which documents are not given.

4. The case of Respondent No. 2 is that since the appeal included information sought about Respondent No. 2, the Respondent No. 2 reclused himself from deciding the appeal as it would not be in consonance with the rules of natural justice that no man can be a judge in his own cause.

5. Heard both sides, perused the records of the case and also considered the arguments advanced by the Appellant and the Advocate for the Respondents.

At the outset I must say that the object of the Act is to ensure greater and more effective access to information under the control of public authorities. Information is like an oxygen for a democratic society. Section 3 of the Act ensures that subject to the provisions of the Act all citizens have the right to information.

In the case at hand it is seen that application seeking information was given. According to the Appellant information was furnished/provided, however, some information given was not asked for and that the same was not replaced. Since the same was not given he preferred the Appeal before the First Appellate Authority. It is the grievance of the Appellant that his appeal was not heard. Advocate for the Respondents contend that Appeal was not heard as First Appellate Authority was the one against whom some information/documents was/were sought. This is also the stand of the Respondent No. 2 in his reply. It also transpires during argument that the said Authority has been replaced by another person.

6. It is seen that the grievance of the Appellant that his appeal was not heard. But in this factual backdrop of the case, I feel that it is necessary that the Appellant should get his valuable right of First Appeal. Solely with this view I wish to remand the matter back so that proper procedure be followed.

Needless to say that this authority has not expressed any opinion on merits of the case.

7. In view of the above, I pass the following order: -

ORDER

The matter is remanded back to the First Appellate Authority. The Appellant to approach the First Appellate Authority within 2 or 3 days on receipt of the order. The First Appellate Authority to hear the parties and dispose the appeal as early as possible preferably within **FIFTEEN (15)** days from the date of receipt of the order.

The Appeal is accordingly disposed off.

Pronounced here at Panaji on 25th day of November, 2009.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

