

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 102/2009

Shri Prakash Parab,
C/o Office of the Assistant Divisional Officer,
District Fire Station (South), Aquem,
Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Additional Director of Vigilance,
Directorate of Vigilance,
Serra Building, Near AIR,
Altinho, Panaji - Goa.
2. First Appellate Authority,
Secretary (Vigilance),
Government of Goa,
Secretariat, Porvorim – Goa.

..... Respondents.

Adv. A. Mandrekar for Appellant.

Shri Arun Dessai, Respondent No. 1 in person.

J U D G E M E N T **(05-01-2010)**

1. The Appellant, Shri Prakash Parab, has preferred this appeal praying that the information as required by the Appellant be furnished to him, penalty be imposed on the Public Information Officer, disciplinary action be taken against the Public Information Officer and also for compensation and costs.

2. The facts leading to this appeal are as under: - That the Appellant had filed an application dated 24/06/2009 under section 6 of the Right to Information Act, 2005 ('RTI' Act for short) thereby requesting certain information. The information that was asked was specified on 3 points. It is the case of the Appellant that Respondent No. 1 has knowingly refused access to information and the said information was not furnished to him

...2/-

within the time limit as specified by the Act and that this amount to deemed refusal of the information. Being not satisfied the Appellant preferred First Appeal before First Appellate Authority ('F.A.A.' for short) i.e. the Respondent No. 2. That F.A.A. fixed the date on 07/10/2009 which is beyond 45 days from the date of First Appeal. That since the Respondent No. 2 failed to hear the Appeal within the stipulated time, the Appellant moved an application restraining Respondent No. 2 from hearing and disposing off the matter. It is also the case of Appellant that Respondent No. 2 deliberately kept the matter beyond thirty days.

Being aggrieved by this act of the Respondent No. 2, the Appellant has preferred this Second Appeal on various grounds which are set out in the Memo of Appeal.

3. In pursuance of the notices, Respondents appeared. The reply dated 15/12/2009 is on record. The same speaks about supplying of the information.

4. Heard Adv. Shri A. Mandrekar for Appellant and Shri Arun Dessai on behalf of Respondents.

I have carefully gone through the records of the case as well as the reply dated 15/12/2009 which states that information has been furnished. Advocate for the Appellant on his part states that information has been received and that the Appellant is satisfied. The Appellant has no grievance. Admittedly, there is some delay in providing the information. However, the Appellant does not press for the same. After hearing Shri A. Dessai this Commission is satisfied and does not wish to proceed under section 20 of the RTI Act.

5. It is pertinent to note here that First Appeal was filed on 17/08/2009. The notice was issued on 02/09/2009 and Appeal was posted on 07/10/2009 at 3.30 p.m. That means beyond 30 days. It is to be noted here that section 19 of the RTI Act provides for Appeal. Section 19(6) lays down as under: -

“An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty five days from the date of filing thereof, as the case may be for reasons to be recorded in writing.”

The concept of the RTI Act is a time bound schedule of transactions between the citizens and Governmental agencies represented by Public Information Officer and Appellate Authority.

Authorities concerned should take note of this aspect in future.

7. In view of the above and since the information is supplied nothing survives in this appeal. Hence the Order: -

ORDER

No further intervention called for on the Appeal.

The Appeal is disposed off accordingly.

Pronounced at Panaji on this 5th day of January, 2010.

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

