

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 59/SIC/2009

Lt. Col. Albin Fernandes (Retired),
H. No. 203, Chaudi Vaddo,
Maina-Siolim, Bardez – Goa.

..... Appellant.

V/s.

1. First Appellate Authority,
The Block Development Officer – I,
Bardez, Mapusa, Goa – 403 507.
2. Public Information Officer,
Village Panchayat of Siolim-Marna,
Bardez, Goa – 403 517.

..... Respondents.

Appellant in person.

Respondent No. 2 in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant on 23rd March, 2008 sought the following information under the Right to Information Act, 2005 (for short the RTI Act): -

- (a) resolution of Village Panchayat Siolim-Marna to proceed in the Court of Law.
- (b) Appointment letter of the advocate/Wakalatnama duly signed by the authorized signatory and affixed with stamped of the panchayat.
- (c) Name of the appointed advocate.
- (d) Cheque issued in favour of the advocate/advocates as his/their professional fee.
- (e) Advocates receipt in acknowledgement of the payments received.

...2/-

As the Respondent No. 2 did not provide the information sought preferred the First Appeal on account of deemed refusal and the First Appellate Authority by Order dated 12/06/2009 directed the Respondent No. 2 to conduct a thorough search of the records and submit the information to the Appellant within 7 days. Since the Respondent No. 2 did not comply with the Orders of the First Appellate Authority and did not provide the information sought, this Second Appeal was preferred by the Appellant.

2. The information which the Appellant is seeking consist of copies of the documents pertaining to the case which the Respondent No. 2 filed before the Administrative Tribunal being Case No. LRA/130/04. In order to prefer the Appeal before the Administrative Tribunal the authorities of Village Panchayat must have passed a Resolution to this effect and it is precisely this Resolution not only in respect of allowing the Panchayat to prefer an Appeal as well as engaging the services of the lawyer and fixing his remuneration. All these documents has to be with the Panchayat authorities and the Appellant is entitled for such documents as it pertaining to his case before the Land Revenue Authorities and the Panchayat authorities challenged before the Administrative Tribunal. The Village Panchayat authorities cannot call upon the Appellant and requiring him to indicate the date of the Resolution. Once it is the Panchayat authorities who has filed case before the Administrative Tribunal and specifically it is mentioned case No. LRA/130/04 the Panchayat authorities are bound to have all these documents and the Appellant is entitled to. Hence, the following Order: -

ORDER

The Appeal is allowed. The Respondent No. 2 to provide the information sought in request dated 23rd March, 2008 at Sr. No. (a) to (e) within the period of 20 days from the receipt of the Order and report compliance on 16/02/2010.

Pronounced on this 11th day of January, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

