

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 85/2009

Shri Prakash B. Sardessai,
C/o Sardessai Egg. Works,
Cortalim – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Hydrographic Surveyor,
Captain of Ports Department,
Panaji - Goa.
2. First Appellate Authority,
Captain of Ports Department,
Panaji - Goa.

..... Respondents.

Appellant in person.

Respondent No. 1 in person.

Adv. Shri N. P. Dias for Respondent No. 1.

Shri Jose J. Fernandes, U.D.C., authorized representative for
Respondent No. 2.

J U D G E M E N T **(15-03-2010)**

1. The Appellant, Prakash B. Sardessai, has preferred this Appeal praying that directions be issued to Public Information Officer and Asst. Public Information Officer to furnish the said information and that appropriate directions be issued to Public Information Officer and Asst. Public Information Officer to avoid miscarriage of justice and to differentiate these offices as provided under the Act.

2. The facts leading to this Appeal, in a nutshell, are as under:-

That the Appellant asked certain information by letter dated 23/3/2009 under Right to Information Act, 2005 ('RTI' Act for short). That by letter dated 6/5/2009 part of information was furnished and part

...2/-

was refused. That the Appellant preferred an appeal and the First Appellate Authority allowed the Appeal and directed the Public Information Officer to furnish the information to the Appellant within 15 days from the receipt of Appellant's fresh Application in respect of the clarification sought. That Appellant made fresh Application but no information was furnished. That the information is suppressed, hidden, refused and obstructed. In short the information sought has not been furnished.

Being aggrieved the Appellant has preferred this Second Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and their say is on record. It is the case of the Respondent No. 1 that Public Information Officer/Respondent No. 1 has furnished all the information made available to him. Respondent No. 1 admits of Appeal as well as Order passed. It is the case of Respondent No. 1 that invoking section 5 he obtained complete information from the dealing hand only on 11/3/2009 however, the same was not furnished as Second Appeal was preferred and matter was sub-judice. It is also the case of the Respondent No. 1 that all the information is now furnished.

4. Heard the arguments. The Appellant argued in person. Adv. N. Dias argued on behalf of Respondent No. 1.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. During the course of the arguments the Appellant submits that copy of the plan has not been furnished and the copies given have not been certified.

6. Respondent No. 1 agrees to certify the same. Respondents also agree to furnish the copy of the plan.

It is seen that application was filed on 23/3/2009. By letter dated 6/5/2009 some information was furnished. It is the case of Respondent No. 1 that he collected information under section 5 from the dealing hand and furnished the same after filing the present Appeal. No doubt there is some delay. However, the Appellant has no grievance of any sort. It appears that Appellant wants information which has been furnished to him. Respondent agree to supplement, if any, deficiency is there.

7. The Appellant has also argued about Asst. Public Information Officer/Public Information Officer and also sought for directions. I think the same is not required in the factual backdrop of this case. However, both these authorities are expected to work within the parameters of law and there should be no cause to complain.

8. In view of the above, I pass the following Order: -

ORDER

The Respondent No. 1 to certify the documents supplied to the Appellant. The Respondent No. 1/Respondents to furnish the copy of the approved plan within 15 days from the date of this Order.

No further intervention is required. The Appeal is accordingly disposed off.

Pronounced in the Commission on this 15th day of March, 2010.

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

