

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 5/SCIC/2010

Shri Egidio Braganza,
R/o. Shilpa Apartments,
Altinho, Mapusa – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Village Panchayat Secretary,
Village Panchayat Calangute,
Calangute, Bardez – Goa.
2. First Appellate Authority,
The Block Development Officer,
Bardez Taluka, Mapusa,
Bardez – Goa.

..... Respondents.

Appellant alongwith Adv. U. Naik present.

Respondent No. 1 in person.

Adv. P. A. Kamat for Respondent No. 1.

Respondent No. 2 absent.

J U D G E M E N T **(22-03-2010)**

1. The Appellant, Shri Egidio Braganza, has preferred this Appeal praying that Public Information Officer/Respondent No. 1 be directed to provide information as he has requested; for action on account of disobedience and for penalty.

2. The brief facts leading to the present Appeal are as under: -

That the Appellant vide Application dated 30/7/2009 sought certain information under Right to Information Act, 2005 ('RTI' Act for short). That the Respondent did not reply to the said notice nor he provided the information sought for. Therefore, an appeal was filed before the Block Development Officer. That by Order dated 19/11/2009 the First Appellate Authority ('F.A.A.' for short) allowed the Appeal and directed the

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Respondent to hand over the information within 7 days. That the Respondent No. 1 by reply dated 8/12/2009 informed the Appellant that the concerned file is not traceable and that information would be provided as soon as the file is retrieved.

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

3. The Respondents resist the Appeal and their say is on record. It is the case of Respondent No. 1 that by letter dated 19/8/2009 he sent reply. That after the Appeal before F.A.A. the Respondent No. 1 by his letter dated 08/12/2009 stated that the file is not traceable. It is further the case of the Respondent No. 1 that Public Information Officer cannot generate the information and that he has to give the information that is available in the office.

4. Heard Adv. U. Naik for Appellant and Adv. P. A. Kamat for Respondent No. 1 and perused the records. It is seen that by letter dated 30/7/2009, the Appellant sought certain information. By letter dated 19/8/2009 Respondent No. 1 informed the Appellant that he took charge recently and file could not be traced. It is seen that the Appellant preferred First Appeal. By Order dated 19/11/2009, the F.A.A. allowed the Appeal and directed Respondent No. 1 to hand over the information within 7 days to the Appellant. Apparently this is not done. The Respondent No. 1/Public Information Officer by letter dated 8/12/2009 informed the Appellant that documents are not traceable and that file is not traced.

5. To-day during the course of his arguments Advocate for the Appellant submits that file is traced. Secretary/Public Information Officer

who is present stated that file could be traced now. He also stated that he is furnishing the information to-day. Since the Respondent No. 1 is ready with information the same be handed over/furnished to the Appellant, Egidio Braganza. Since some time elapsed the same be given free of costs.

6. Advocate for Appellant contends that there is inordinate delay. In my view the same is to be considered and the Respondent No. 1 is to be heard on this aspect.

7. Since the information is furnished, no further intervention of this Commission is required. Hence, I pass the following Order: -

ORDER

No further intervention of this Commission is required as information sought is furnished to-day. The Appeal is accordingly disposed off.

Issue notice under section 20(1) of the RTI Act, 2005 to the Respondent No. 1/Public Information Officer why penal action should not be taken against him for causing delay for furnishing the information. The explanation if any should reach the Commission on or before 6/4/2010 at 10.30 a.m. Public Information Officer shall appear for personal hearing regarding imposition of penalty, if any, on that day.

Pronounced in the Commission on this 22nd day of March, 2010.

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

