

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 45/2006/PWD

Miss Mishel D'Sa
H. No. 116, Pirazona,
Moirra, Bardez - Goa. - 403514

..... Appellant.

V/s.

1. Public Information Officer
Public Works Department,
Altinho, Panaji.
2. First Appellate Authority
Principal Chief Engineer,
P.W.D., Altinho, Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 03/01/2007.

Appellant in person.

Respondent No. 1 and 2 are represented by Adv. K. L. Bhagat.

ORDER

This disposes off the second appeal dated 7th November, 2006 of the Appellant against the order dated 5th October, 2006 of the Respondent No. 2 as the first Appellate Authority. The Appellant by an application dated 19/7/2006 addressed to the Public Information Officer, PWD, Water Works, Government of Goa requested for certain information regarding the Moirra, PWD water tank at Pirazona on 7 points. The application was received in the office of the Superintending Surveyor of Works, PWD on the same day, who is the Public Information Officer. However, the Public Information Officer by his letter dated 19/7/2006 has transferred the above application to the Executive Engineer, Div. XVII (PHE-M), Porvorim saying that he is transferring this request to him under Section 6(3) of the Right to Information Act (for short RTI Act) and requesting the

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latter to furnish the information directly to the applicant after collecting the fees. Thereupon, the Executive Engineer has sent a letter to the Appellant on 22/8/2006 to come to his office on any working day for collecting the documents after paying the fees. As it appears, she did not go to the office of the Executive Engineer and the Executive Engineer, has forwarded the documents to the residence of the Appellant on 5/9/2006. The Appellant, while admitting that a special messenger has brought the information to her residence, stated that she has sent her father earlier to the office of the Executive Engineer, which was disputed by the Executive Engineer. The Appellant herself, has no grievance about the information received by the Executive Engineer but has raised some technical points that the information was not given within the statutory time limit and that the signature of the Executive Engineer does not tally on the 2 documents and that the name of the Executive Engineer is not mentioned in one letter addressed to her though signed by the Executive Engineer. The same grounds were taken by her before the first Appellate Authority who dismissed her appeal. We find that these are trivial matters having no bearing on the contents of the RTI Act, or the objectives of the Act. The second appeal, therefore, deserves to be dismissed and is accordingly dismissed.

2. Normally, we should have closed the matter at this point. However, we would like to mention a few important points missed out by the PWD, especially, the first Appellate Authority, the Principal Chief Engineer and the Superintending Surveyor of Works who is the Public Information Officer. No doubt, the Superintending Surveyor of Works was designated as the PIO at the relevant time and application was correctly addressed to him and received by him. As per the scheme of the Act, he should obtain the information from wherever it was available and pass on the information to the Appellant himself. Instead, he has introduced a new procedure unknown to the law by directing the Executive Engineer to directly give the information. Not only this, he has even wrongly cited Section 6(3) of the Act which is applicable for the transfer of the application by one public authority to another public authority and not to the internal correspondence between the PIO and another officer of the same public authority. Apart from that, quite surprisingly, the first Appellate Authority who is the Principal Chief Engineer considered the Executive Engineer as the PIO and endorsed the view taken by the Superintending Surveyor of Works of his office. We have already dealt with this question in case No.15/2006 and pursuance to

the order passed therein, the Principal Chief Engineer has issued directions to the subordinate officers regarding the role of APIO. We hope that this will be strictly adhered to in future. Another interesting point is that Registry of this Commission itself has issued notice to the Executive Engineer considering him to be the PIO and all the time Superintending Surveyor of Works who is the PIO is peacefully unaware of all the proceedings before the APIO, before the first Appellate Authority and this Commission. In any case as the information is already given to the Appellant, the matter is treated as closed and the second appeal is dismissed.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G.G. Kambli)
State Information Commissioner, GOA.