

GOA STATE INFORMATION COMMISSION

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

Appeal No. 15/2006/PWD/P

Alexinho F. Monserrate
Santarbatt, Piedade,
Divar, Ilhas - Goa.

..... Appellant.

V/s.

1. Public Information Officer
The Executive Engineer,
P.W.D., Works Division II,
Patto, Panaji - Goa.

2. First Appellate Authority
The Chief Engineer - II,
PWD, Head Office,
Altinho, Panaji - Goa.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

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

Dated: 30/11/2006.

ORDER

This Commission by its order dated 9/11/2006 directed the Public Information Officer of Public Works Department i.e. Superintending Surveyor of Works. Office of the Principal Chief Engineer, Public Works Department, Panaji to show cause as to why the penalty of Rs.250/- per day delay should not be imposed under Section 20 of the Right to Information Act, 2005.

2. The Public Information Officer has filed the reply. In the reply, the Public Information Officer submitted that the Public Information Officer did not receive any application of the Appellant. The Appellant has also not approached the First Appellate Authority but addressed the appeal to the First Appellate Authority as Chief Engineer - II of Public Works Department who is not the First Appellate Authority. He also submitted that neither the Public Information Officer nor the First Appellate Authority are the parties in the second appeal before this Commission.

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3. Thus, it is clear that the Executive Engineer has dealt with the matter even though the application dated 1/6/2006 was addressed to Public Information Officer. The proper course for the Executive Engineer, Works Div - II was to forward the application of the Appellant to the Public Information Officer, Superintending Surveyor of Works for further necessary action within 5 days as required by Section 6(3) of the RTI Act. On the contrary, the Executive Engineer has himself decided the matter and also caused delay in providing the information.

4. This Commission in its order dated 9/11/2006 has already given directions to the Principal Chief Engineer, Public Works Department to issue suitable instructions to all his officers and accordingly Circular No. 14-17-98-PCE-PWD-EO/157 dated 13th November, 2006 has been issued. We hope that the instructions issued by the Principal Chief Engineer, Public Works Department and the provisions of the RTI Act will be strictly adhered to by the officers of the Public Works Department.

5. We are satisfied that the Public Information Officer was not at all involved in the present case as the Executive Engineer has dealt with the matter without the knowledge of the Public Information Officer. Hence, we drop the proceedings under Section 20 of the RTI Act against the Public Information Officer of Public Works Department.

Pronounced in the open Court on 30th November, 2006.

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

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