

GOA STATE INFORMATION COMMISSION

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

Appeal No. 34/2006/PAN

Mr. C. S. Barreto
H. No. 206, Mazalvaddo,
Assagao, Bardez - Goa.

..... Appellant.

V/s.

1. The Secretary, V. P. Assagao &
Public Information Officer,
Bardez - Goa.
2. The Director of Panchayats &
First Appellate Authority,
Directorate of Panchayats,
Government of Goa,
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: 23/11/2006.

ORDER

This will dispose off the second appeal filed by the Appellant against the Respondents. The case of the Appellant is that the Appellant vide application dated 26/5/2006 sought the information from the Dy. Director of Panchayats and Public Information Officer, Directorate of Panchayats, Panaji regarding the status of the complaint made by the Appellant in respect of issue of unlawful occupancy certificates by the V. P. Assagao in respect of illegal farm house constructed by D. S. Sahaney and K. K. Sahaney. The Dy. Director of Panchayats, North forwarded the said complaint of the Appellant to the Respondent No. 1 who was directed to issue the information to the Appellant and report the compliance. In fact, in the Memorandum dated 10/7/2006 reference is made to the letter dated 26/6/2006 of the Appellant. There is no letter on record dated 26/6/2006 of the Appellant. Since the Appellant did not receive any reply from the Respondent No. 1, the Appellant preferred the first appeal before the Respondent No. 2. Another copy of memo of appeal dated 28/8/2006 filed before the Respondent No. 2 by the Appellant is also on record.

...2/-

2. Both the Respondents filed their replies. The Respondent No. 1 submitted that the one Shri S. R. Tamse was working as a V. P. Secretary who retired on 31/5/2006 on superannuation. Thereafter, Shri Chandan Chodankar was the V. P. Secretary of Assagao from 1/6/2006 to 12/7/2006 and the present Respondent is holding the additional charge of the V. P. Secretary, Assagao w.e.f. 13/7/2006. Infact, the application of the Appellant was forwarded to the Respondent No. 1 by the Dy. Director of Panchayats, North vide Memorandum dated 10/7/2006 and therefore neither Shri S. R. Tamse nor Shri Chandan Chodankar were concerned with the said application of the Appellant in as much as the Respondent No. 1 is holding the charge w.e.f. 13/7/2006. Hence, justification given by the Respondent No. 1 cannot be accepted. The other reasons for the delay explained by the Respondent No. 1 is that the Respondent No. 1 is holding the additional charge of V. P. Assagao besides the V.P. of Saligao and that the Respondent attending the office thrice a week at V. P. Assagao. The Appellant has been provided with the information by the Respondent No. 1 vide letter dated 9/10/2006 i.e. almost within a period of three months. The explanation given by the Respondent No. 1 that the Respondent is holding the additional charge and therefore could not provide the information within the statutory period cannot be accepted. The Respondent No. 1 could not explain as to why the information could not be provided earlier.

3. The Respondent No. 2 in the reply has stated that the Respondent No. 2 has already disposed the first appeal giving directions to the Respondent No. 1 to provide the information within 15 days. In spite of this directions from the Respondent No. 2, Respondent No. 1 failed to provide the information to the Appellant. However, on perusal of the records, it is seen that no malafide intention can be attributed to the Respondent No. 1 in not providing the information within the statutory period of 30 days. This being the first case of the Respondent No. 1, we take liberal view however we will be constrained to take a serious view if instances of delay occurred in future without proper justification. Since the information is already provided to the Appellant, no further directions are required to be given to the Respondents hence we reject the second appeal.

Pronounced in open Court on 23rd November, 2006.

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

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

