

# **GOA STATE INFORMATION COMMISSION**

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

Appeal No. 35/2006/Sports

Savita Purso Velip  
R/o H. No. 208, Saklawado,  
Morbirla Via Cuncolim - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
Director of Sports & Youth Affairs,  
Panaji - Goa.
2. First Appellate Authority,  
Director of Sports & Youth Affairs,  
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: 30/11/2006.

## **ORDER**

The Appellant made a request to Asst. Director (Projects), Directorate of Sports and Youth Affairs as Public Information Officer, Respondent No. 1 herein on 26/12/2005 requesting information on 6 points. There was no reply from the PIO within statutory period of 30 days. The Appellant has filed the first appeal on 13/02/2006 before the Director, Respondent No. 2 herein. An interim reply is stated to have been given by the Respondent No. 2 in response to the first appeal. The reply is not on record. Not satisfied with the reply, the Appellant filed the second appeal on 4/8/2006, 143 days after the time available to her to file the second appeal. She has also filed an application for condonation of delay. Notice was issued to all the parties to remain present in person. Both the Respondents have filed their written statements sworn before Executive Magistrate in the form of Affidavits.

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2. The request contains as stated above 6 points. It is necessary to list them as follows: -

- 1) Number of Scheduled Tribes Reserved Category recruited till date in the Department for the post of Physical Education Teachers and Assistant Physical Education Officers.
- 2) Certified copy of the 100 point Roster in Scheduled Tribe Reservation category for the Physical Education Teacher and Assistant Physical Education Officer.
- 3) Certified copy of Smt. Lisette Camara reversion order to TSO, Ponda.
- 4) Certified copy of Smt. Lisette Camara, joining duties as TSO at Ponda & minutes of the DPC held for Temporary Appointment of Smt. Lisette Camara, TSO to the post of Assistant Physical Education Officer in August, 2005.
- 5) Certified copy of the Court relief order in writ petition i.e. 662 of 2003 in the High Court of Bombay, Panaji Branch.
- 6) No. of Backlog Vacancies in reserved category for Schedule Tribes if any for the post of PET & APEO's.

3. As can be seen from the above, only the point no. 2 is about giving a certified copy of the 100 point Roster for Scheduled tribes reservation category for the post of Physical Education Teacher and Asst. Physical Education Officer. Remaining information can be given from the records maintained by the office. Even the 100 point register should be available in the Department. However, in the reply, both the Respondents have taken an identical stand saying that "post reservation roster of the Department is under verification by the Social Welfare Department and hence, no hearing could be fixed". To begin with, the PIO is not supposed to hold any hearing and taking such a plea by her does not arise. Secondly, giving the advice to the Appellant to apply for the post of APEO/PET as and when the same was advertised in the local dailies is uncalled for. What was required of the PIO is to give the copy of the roster which is supposed to be available with the Department whether verified or not by the Social Welfare Department. Even if the register is taken away by the Social Welfare Department, which is not mentioned by the Respondents, it ought to have been collected from the Department to furnish the reply. Hence, this plea is rejected. The other points of reply is regarding the delay in filing the second appeal.

Though it is true that the filing of the second appeal is inordinately delayed by as many as 143 days, the Appellant submitted that she was under the wrong impression that 90 days time limit is allowed for the First Appellate Authority to give its decision. Further, she also stated that she is a lay person and is not aware of the provisions of limitation. In the interest of the justice, she requested the Commission to condone the delay, which we hereby do.

3. Both the Respondents have not spoken one word why the information could not be given on the remaining 5 points by the Department. We find that all the information requested should be available in the Department and non-furnishing of the same raises the legal presumption that the PIO does not want to disclose it. As per Section 20, non-furnishing of the information as well as giving wrong information should be explained by the PIO concerned and has to prove that there is no malafide intention in doing so. There is no such effort made by the PIO. We, therefore, find that this is a fit case to issue a notice to the PIO as to why penalty of Rs.250/- per day of delay should not be imposed from the date the information is deemed to have been refused by the PIO. We also direct the PIO to furnish the information in respect of all 6 points to the Appellant within the next 10 days and report compliance to the Commission. The case should be posted for further hearing on the penalty on 15/12/2006 at 11.00 a.m.

Pronounced in open Court 30<sup>th</sup> November, 2006.

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

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