

GOA STATE INFORMATION COMMISSION

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

2nd Appeal No.130/07-08

1. Margao Municipal Council,
Through The Chief Officer,
Margao – Goa

..... Appellant No. 1

2. The Public Information Officer,
Margao Municipal Council,
Margao - Goa

..... Appellant No. 2

V/S

Mrs. Dumelina John,
Marble Apartments,
Murida Fatorda,
Margao - Goa

..... Respondent

CORAM:

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

(Per G.G. Kambli)

Dated: 08/05/2008

Adv. G. Agni for the Appellants.

Authorised representative for the Respondent, Shri Shriram S. P. Raiturkar.

J U D G M E N T

In this appeal, the Appellant challenges the Order dated 25th January, 2008 passed by the Director of Municipal Administration in Case No. 54/2008/DMA (herein after referred to as impugned order) under section 19 (3) of the Right to Information Act 2005 (for short the Act).

2. The main grounds of the challenge are that the Director of Municipal Administration (for short DMA) did not pass reasoned Order and that the DMA being the quasi-judicial authority should have given the reasons for passing the impugned order more so when the decision of the DMA is assailable by way of second Appeal under section 19(3) of the Act.

.....2/-

3. On perusal of the impugned order, it is seen that the DMA has not given any reasons for passing the impugned order. The DMA being quasi-judicial authority, under the Right to Information Act and as his decisions are appealable before this Commission, is expected to give the reasons for his decision. We agree with the Appellant that the DMA has not passed reasoned impugned order. We hope that while disposing off the appeals under the Act, the DMA will give the reasons for his decisions.

4. The Respondent filed objections and raised the preliminary objection stating that the Appellant No. 2 being the Public Information Officer cannot file the second appeal before this Commission. This Commission has already held the view in appeal No. 7/2006-07 (Under Secretary (Revenue), Secretariat V/s Shri V. B. Prabhu) and reiterated the same view in appeal No. 76/2007 that the Public Information Officer cannot file the second appeal before this Commission for the reasons mentioned therein. We reiterate and maintain the same view in this appeal. Hence the following order:

ORDER

The appeal is dismissed as not maintainable. The status quo maintained by this Commission vide order dated 12/02/2008 stands vacated.

5. Pronounced in the open court on this 8th May 2008 at 11.00 a.m.

Sd/-
(G.G. Kampli)
State Information Commissioner, Goa

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner, Goa

