

## GOA INFORMATION COMMISSION

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

2<sup>nd</sup> Appeal No.131/07-08

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

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

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Appellants

V/s

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

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Respondent

### **CORAM:**

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

(Per G.G. Kambli)

Dated: 05/06/2008.

Shri G. N. Agni, Learned Adv. appeared for the Appellant.

Shri Shriram S.P. Raiturker represented for the Respondent.

### **ORDER**

The Appellants challenge the order dated 25/01/2008 passed by the Director of Municipal Administration who is the First Appellate Authority under the Right to Information Act 2005 (for short the RTI Act) on the grounds, inter-alia, that the Director of Municipal Administration (DMA) has not passed the reasoned order and that the Director of Municipal Administration exercises quasi Judicial powers and as the orders are appealable, should have given the reasons.

...2/-

2. We fully agree with the Appellants that Director of Municipal Administration being quasi Judicial Authority under the RTI Act is expected to give the reasons for passing the orders more so when the orders are appealable to this Commission. We would also like to draw the attention of the First Appellate Authority i.e. the Director of Municipal Administration that the provisions of section 4(1)(d) of the RTI Act contemplates that the Public Authority has to provide reasons for its Administrative or quasi Judicial decision to the affected person. It is an obligation on the part of the Public Authority to provide the reasons for its decisions on administrative or quasi Judicial matters to the affected persons. These provisions are mandatory. We, therefore, have no hesitation in directing the DMA to record the reasons while passing the order as the Appellate Authority under the RTI Act.

3. Turning now to the present case, one of the Appellants is the Public Information Officer who has challenged the order of the First Appellate Authority. We have already held a view in appeal No. 7/2006 and also reiterated the same view in number of cases that the Public Information Officer cannot file the 2<sup>nd</sup> Appeal before this Commission against the decision of the First Appellate Authority. We maintain the same view in this case also.

4. We, therefore, reject the appeal as not maintainable. Status quo stands vacated.

Announced in the open Court on this 5<sup>th</sup> day of June 2008.

Sd/-  
(Shri G.G. Kambli)  
State Information Commissioner

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

