GOA STATE INFORMATION COMMISSION

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

2nd Appeal No.133/07-08

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. Arlinda Fernandes,
H.No. 4217, Opp. Shetye & Salkar bldg,
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

Advocate Shri G. N. Agni, for the Appellants.
Shri Shriram Raiturkar, Authorized Representative for the Respondent.

J U D G M E N T

In this second appeal, the appellants have challenged the order dated 25/01/2008 passed by the first Appellate Authority that is Director of Municipal Administration in Case No. 58/2008/DMA whereby the first Appellate Authority had directed the Appellant No. 2 to furnish the correct and complete information para-wise to the Respondent within the period of 10 days.

2. The main grounds of challenge are that the first Appellate Authority did not give reasons in support of the said order and further failed to appreciate that the information sought by the Respondent did not fall within

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the definition of the term "information" as contained in section 2(f) of Right to Information Act, 2005 (for short the Act).

3. The Respondent raised preliminary objection stating that the second appeal is not maintainable as the Public Information Officer cannot be said to be person for the purposes of section 19(1) of the Act. The contention of the Respondent is that the Appellant No. 2 being Public Information Officer cannot file the second appeal against the order of first Appellate Authority. This Commission has already held the view in appeal No. 7/2006 (Under Secretary (Revenue), Secretariat V/s Shri V. B. Prabhu and other) and further reiterated the same view in appeal No. 76/2007 that the Public Information Officer cannot file second appeal against the decision of the first Appellate Authority before this Commissions for the reasons mentioned therein.

4. In the present case therefore we hold the same view that the present appeal filed by the Public Information Officer is not maintainable. Even on merits, it is seen that the appellant No. 2 had admitted before the first Appellate Authority that the information provided to the Respondent was not complete and correct. Hence, we do not find any fault in the order passed by the first Appellate Authority in giving direction to the appellant No. 2 to provide complete and correct information to the Respondent. Hence the following order:

O R D E R

The appeal is dismissed as not maintainable and even on merits. The status quo granted vide order dated 12/02/2008 stands vacated.

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

Sd/
G.G. Kambli,
State Information Commissioner, Goa

Sd/
A. Venkataratnam,
State Chief Information Commissioner, Goa

KM/-