

**GOA INFORMATION COMMISSION**

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

Appeal No. 27/2007-08/PAN

Lt. Col.(Retd.) Paul B. Fernandes  
"Aerie", 468 Aquem Baixo,  
Navelim – Goa.

..... Appellant.

V/s.

First Appellate Authority  
The Deputy Director,  
Directorate of Panchayts, South,  
Margao – Goa.

..... Respondent.

**CORAM:**

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

(Per G. G. Kambli)

Dated: 20/08/2007.

Appellant in person.

Respondent also in person.

**ORDER**

Aggrieved by the decision dated 18/04/2007 of the Respondent the Appellant preferred this 2<sup>nd</sup> appeal before this Commission under section 19 of the Right to Information Act, 2005 (for short the Act). The Appellant vide his 8 pages application dated 21/12/2006 sought the information from the Respondent under the Act. On perusal of the said application it is seen that the first 5 pages pertain to his grievances and at pages 6 and 7 he has sought the information on certain points.

2. According to the Respondent, the information sought by the Appellant pertained to the three Public Information Officers i.e. Village Panchayat Secretary of Sarzora, Block Development Officer of Salcete and the

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Respondent. The Respondent transferred the application of the Appellant to the Block Development Officer to provide the information under para 1 (c) and to the VP Secretary Sarzora for providing the information in para 1 (a & b).

3. The case of the Appellant is that the Block Development Officer Salcete did not provide him any information within the specified time limit and therefore, the Appellant filed the first appeal before the Respondent under the Act. The Appellant further vide his application dated 18/03/2007 requested to amend his first Appeal as a complaint under section 18 (a) read with section 18 (b) of the Act. He also prayed for substituting the word Appellant as the Complainant and the first Appeal as a Complaint. We have gone through the proceedings sheet of the Respondent. We do not find any order of the Respondent allowing the application of amendment.

4. The Respondent by order dated 18/04/2007 has held that the certified copy of the inspection report has been provided to the Appellant and therefore the proceeding were closed. Though the Appellant has sought the information on various points, the present appeal is confined only to the point 1 (c) pertaining to the Block Development Officer. The said point 1 (c) at page 5 of the application of the applicant seeking information reads as under; -

“If so, has the BDO (S) or the DDP (S) during routine inspections checked the progress made in investigating in the report, and action taken on the same?”

5. The BDO vide letter dated 23/03/2007 had informed the Appellant that the register for complaint on illegal construction was not maintained in the year 1994-95 but the same has now been maintained.

6. The Appellant did not seek any copy of the inspection report but the Appellant wanted to know whether the Block Development Officer, Salcete and Dy. Director Panchayats, South during routine inspections checked the

progress made in investigating in the report, and the action taken on the same. Neither the Block Development Officer nor the Respondent has provided a specific reply to the Appellant on this point. Hence, we have no hesitation to quash and set aside the order of the Respondent.

7. The Appellant in his application dated 21/12/2006 has made the grievances regarding his various representations/complaints made to various authorities like Dte. of Panchayats, Dy. Director of Panchayats, South, Block Development Officer, Salcete and Village Panchayat of Sarzora.

8. Section 4 (1) (d) of the Act enjoins upon every Public Authority to provide the reasons for its Administrative and quasi-judicial decisions to the affected person. The Appellant has been making his grievances for the last 13 years and it has come on record that the Respondent has issued as many as 9 memoranda to the Block Development Officer (Salcete) who did not bother to comply the same and yet no action has been initiated against the Block Development Officer (Salcete) for non-compliance with the instructions of the superior Officer. It is the obligation of the every Public Authority to give reasons for its Administrative and quasi-judicial decisions to the affected person under section 4 (1) (d) of the Act and the Commission has to ensure the proper implementation of the provisions of the Act in terms of section 19 (8) (a) and section 25 (5) of the Act.

9. We, therefore, direct the Public Authorities that is Director of Panchayats, Dy. Director of Panchayats, South, Block Development Officer, Salcete as well as Village Panchayat of Sarzora to provide the decisions with the reasons on the various representations made by the Appellant to them.

10. The Appellant is also free to make a fresh application to the concerned Public Information Officer giving specific request under the Act, if he so desires.

11. In these circumstances, we hereby quash and set aside the decision dated 18/04/2007 of the Respondent and direct the Block Development Officer, Salcete and the Respondent to provide the correct information on the point sought by the Appellant.

Pronounced in the open court on this 20<sup>th</sup> day of August, 2007.

Sd/-  
(G. G. Kambli)  
State Information Commissioner, GOA.

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

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