

GOA INFORMATION COMMISSION

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

Appeal / 27 / SIC / 2008 / _____

Shri Subodh S. Sawant,
B-2, Shanti Campus, Nr. Mehul Talkies,
Nr Mahesh Tutorials, Mulund,
West, Mumbai - 400 080

..... Appellant

V/s

1. The Public Information Officer,
Shri Pramod D. Bhat,
The Mamlatdar of Bicholim Taluka,
Bicholim - Goa.

..... Respondent No.1..

2. The First Appellate Authority,
Shri Arvind V. Budge,
The Deputy Collector & S.D.O.,
Bicholim Sub-Division,
Bicholim - Goa.

..... Respondent No.2..

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 06/08/2008.

Appellant in person.

Both the respondents in person.

ORDER

The Appellant requested the Respondent No. 1 vide his application dated 04/02/2008 bearing reference No. 3 to provide certified copies of the Order and/or Orders passed by the Administrator of Devasthan of Bicholim Taluka, Mamlatdar of Bicholim Taluka on the Application and/or Application submitted by the purported President, purported Secretary and purported Treasurer of Shree Saptaktoeshwar Devasthan to make the persons whose names have been included in the list as Mahajans of the said Devasthan from 1st April, 2004 to 1st February, 2007, under the Right to Information Act, 2005 (for short the Act). The Respondent No. 1 transferred the said application under section 6 (3) of the Act to the Administrator of Devasthan of Bicholim Taluka stating that the subject matter is more closely connected with the functions of another Public Authority. The Appellant did not receive any response from the Respondent No. 1 nor from the Administrator of Devasthan of Bicholim Taluka and therefore the Appellant presumed that this application is deemed to have been refused by the Respondent No. 1. The Appellant therefore preferred an Appeal before the Respondent No. 2 being the First Appellate Authority on 2nd April, 2008.

...2/-

The Respondent No. 2 also did not pass any orders on the first Appeal filed by the Appellant within the time limit laid down in sub-section 6 of section 19 of the Act. Hence, the Appellant has approached this Commission by way of the present 2nd Appeal under section 19 (3) of the Act.

2. The notices were issued to both the parties and in pursuance thereof the Appellant as well as both the Respondents appeared in person.

3. On perusing the records, it is seen neither the Respondent No. 1 nor the Respondent No 2 has taken any decision on the application and the Appeal filed by the Appellant. Both the authorities has failed to dispose off the application and the Appeals within the time specified in the Act which made the Appellant to file the present 2nd Appeal.

4. The procedure followed by the Respondent No. 1 to transfer the application of the Appellant to himself as an Administrator of Devasthan and thereafter keeping silent is not at all in the spirit of the Act. The Mamlatdar is functioning as the Public Information Officer for the entire office and not for a particular section of the Office.

5. During the hearing, the Respondent No. 1 was directed to give a suitable reply to the Appellant within a week's time and file the compliance report before the Commission on 30/07/2008. In accordance with the said direction of the Commission, the Respondent No.1 filed the Compliance Report along with the copy of the reply dated 25/07/2008 sent to the Appellant. It is seen from the reply dated 25/07/2008 sent by the Respondent No. 1 to the Appellant, the Respondent No. 1 informed that no such information/documents are available in the department section in his office.

6. As the Respondent No. 1 has already sent the suitable reply to the Appellant, the Appeal stand disposed off accordingly.

7. Pronounced in the open Court on this 6th day of August, 2008 at 11.00 a.m.

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

