

## GOA INFORMATION COMMISSION

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

**Appeal No. 28/2007.**

Shri Joao J. Caldeira,  
La campala Colony, Miramar,  
Panaji – Goa

... Appellant

V/s

1. The Public Information Officer,  
The Deputy Director,  
Department of Tourism,  
Panaji – Goa.

... Respondent No. 1.

2. First Appellate Authority,  
The Director,  
Department of Tourism,  
Panaji – Goa.

... Respondent No. 2.

### **CORAM:**

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

(Per G.G. Kambli)

Dated: 03/09/2007.

### **O R D E R**

The Appellant sought information regarding the selection to the posts of Information Assistant, Lower Divisional Clerk and Drivers made by the Respondents, pursuant to the advertisement appeared in the daily newspaper Navhind Times dated 31/12/2006, from the Respondent No. 1 vide application dated 24/04/2007. As the Appellant did not receive any communication on his application from the Respondent No. 1 within the specified period of 30 days, the Appellant preferred the 1<sup>st</sup> appeal before the Respondent No. 2 on 28/05/2007. The Appellant also did not receive any decision on his 1<sup>st</sup> appeal from the Respondent No. 2 and, therefore, the Appellant approached this Commission on 29/06/2007 by way of 2<sup>nd</sup> appeal.

...2/-

2. The Appellant submitted that both the Respondents have failed to provide the information to the Appellant within the statutory period and that the Appellant is entitled to the information free of cost as per section 7 (6) of the Right to Information Act 2005 (herein after referred to an Act). The Appellant has also prayed that the penalty be imposed on the Respondents under section 20 (1) of the Act and for costs of Rs. 10,000/-.

3. Both the Respondents filed their replies. The Respondent No. 1 submitted that the Respondent No. 1 was drafted for Election duty vide order dated 07/05/2007 in the office of the Collector and thereafter as the Liaison officers to the observer as per the order dated 10/05/2007 issued by the Collector of North Goa. The Respondent therefore submitted that she could not provide the information to the Appellant within the specified time limit. She submitted that she was relieved on 11/06/2007 (B.N.) as per the relieving order dated 06/06/2007 of the Collector North Goa. She has further submitted that she was on Earned leave from 25/06/2007 to 23/07/2007.

4. The Respondent No. 2 in his reply stated that he was on long leave from 14/04/2007 to 10/06/2007 and out of the country and that he was not informed about the Appeal filed by the Appellant on his rejoining the duties. The Respondent No. 2 also submitted that he has been relieved from the post of Director of Tourism by the Government vide Government order dated 12/07/2007 and therefore he could not take further action in the matter. He therefore submitted that there was no malafied intention on his part to deny the information.

5. On going through the replies it is seen that the Respondent 1 and 2 have not stated that the information sought by the Appellant falls in any of the exempted categories and have not taken any plea in their replies that the information sought by the Appellant could not be provided. The only grounds which have been taken in their reply that the Respondent No. 1 was on Election duty and the Respondent No. 2 was on leave outside the country.

Admittedly, there has been a delay in providing the information to the Appellant. However, this delay is not intentional or deliberate, as both the Respondents have shown sufficient cause for the delay.

6. The Appellant is seeking the information free of cost under section 7 (6) of the Act. The Appellant did not seek the information under section 7 (5) of the Act and therefore he is not entitled to the information free of cost. The Commission has held the view in second Appeal No. 21/2006 that the information could be provided free of cost only if it sought under section 7 (5) of the Act and it is provided after the expiry of 30 days period. The Appellant therefore has to pay the cost of the information as per the Goa Right to Information (Regulation of fee and cost) Rules 2006(for short Rules, 2006).

7. We, therefore, partly allow the appeal and direct the Respondent No. 1 to provide the information to the Appellant within 10 days from the date of receipt of this order on payment of fees as per the aforesaid Rule 2006. The request of the Appellant for imposing the penalty on the Respondent No. 1 is rejected. Similarly, the prayer of the Appellant for awarding the cost of Rs. 10,000/- is also rejected, as there are no provisions in the Act to award cost.

Announced in the open Court on 03/09/2007.

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

Sd/-  
Shri A. Venkataratnam  
State Chief Information Commissioner