

GOA INFORMATION COMMISSION

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

Appeal No.40/2007.

Mr. Caetano Sextus Barreto,
House No 206, Mazal Vaddo,
Assagao, Bardex Goa.

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Appellant

V/s

1) The Chief Accounts Officer,
North Goa Zilla Panchayat,
Government of Goa,
Junta House 3rd Lift 5th floor,
Panaji – Goa.

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Respondent No.1.

2) The Chief Executive Officer,
North Goa Zilla Panchayat,
Government of Goa,
Junta House 3rd Lift 5th floor,
Panaji – Goa.

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Respondent No.2.

CORAM:

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

(Per G.G. Kambli)

Dated: 13/09/2007.

Appellant in person.

Both the Respondents absent at the time of Arguments.

ORDER

This is the 2nd appeal filed by the Appellant against the Respondents under sub-section (3) of section 19 of the Right to Information Act, 2005 (hereinafter referred to as the Act).

2. The brief facts, of the case, are that the Appellant vide his application dated 30/11/2006 requested the Respondent No. 2 to inform the status of his complaint dated 14/11/2006 filed under section 210 under Goa Panchayat

...2/-

Raj Act 1994, under the Act. Subsequently, the said application dated 30/11/2006 was withdrawn by the Appellant. Subsequently, the Appellant vide his application dated 14/05/2007 requested the Respondent No. 1 to inform the Appellant about the status of his complaint dated 14/11/2006. The Respondent No. 2 vide letter dated 12/06/2007 requested the Appellant to remain present in his office on 26/06/2007 for clarification in the matter. Thereafter, the Appellant filed the 1st appeal before the Respondent No. 2 on 18/06/2007. Since, the Appellant did not receive any decision from the Respondent No. 2 within the specified time limit of 30 days, the Appellant filed the present appeal before this Commission on 23/07/2007.

3. The notices were issued to both the parties and the matter was fixed for hearing on 13/08/2007. On 13/08/2007 Appellant remained present in person. Adv. Pednekar represented both the Respondents and undertook to file the vakalatnama on the next date of the hearing. The Respondents were directed to file their replies on or before 31/08/2007 with a copy to the Appellant and the matter was fixed for arguments on 03/09/2007. On 31/08/2007, the Appellant was absent. The Respondent No. 1 present, whereas the Respondent No. 2 remained absent. Adv. Pednekar who appeared on the behalf of the Respondents did not turn up for hearing and also did not file any vakalatnama. The Respondent No. 1 again granted time to file reply on 06/09/2007. On 06/09/2007 the Appellant remained present. Both the Respondents were absent. Matter was heard and fixed for order on 13/09/2007. The Respondents filed their reply on 10/09/2007, which cannot be accepted at this stage in the absence of the Appellant. Hence, the Commission ignores the said reply.

4. It will be seen from the above that though sufficient opportunities were given to the Respondents, the Respondents failed to file the reply nor remained present on the date of the hearing. The Appellant has sought the information regarding the status to his complaint and both the Respondents remained silent in providing the information to the Appellant. Infact the Respondent No. 1 ought to have given reply to the Appellant. On the

the Respondent No. 2 vide his letter dated 12/06/2007 called the Appellant for hearing for certain clarification when the application was addressed to the Respondent No. 1. The Respondent No. 1 ought to have decided the application of the Appellant and it was wrong on the part of the Respondent No. 2 who is the First Appellate Authority to call the Appellant for hearing seeking clarification. The Respondent No. 2 has also not communicated any decision on the 1st appeal filed before him by the Appellant.

5. In these circumstances we have no other alternative but to allow the appeal and direct the Respondent No. 1 to provide the information sought by the Appellant within 1 week from the date of the order.

Announced in the open Court on 13/09/2007.

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

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