

GOA STATE INFORMATION COMMISSION

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

Appeal No. 63/2006/DTE

John Philip Pereira
H. NO. 520, Mazilvado,
Nagoa, Salcete - Goa. 403722.

..... Appellant.

V/s.

1. Public Information Officer
Directorate of Technical Education,
Porvorim.

2. First Appellate Authority,
Directorate of Technical Education,
Porvorim.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

Dated: 15/02/2007.

Appellant in person.

Respondents are also in person.

ORDER

The Appellant challenges the order dated 6/9/2006 passed by the first Appellate Authority i.e. Director of Technical Education. The case of the Appellant is that the Appellant vide his application dated 21/07/2006 approached the Public Information Officer of the Directorate of Technical Education who by his letter dated 17/8/2006 informed the Appellant that the information sought by the Appellant is not available in their office and asked the Appellant to approach the Public Information Officer of Agnel Polytechnic, Venra. A copy of the said communication dated 17/8/2006 was also endorsed to the Public Information Officer of Agnel Polytechnic, Verna and the Principal, Agnel Polytechnic, Verna. Feeling aggrieved by the said communication, the Appellant preferred the first appeal before the first Appellate Authority i.e. Director of Technical Education on 25/8/2006 who by his letter dated 6-7/9/2006 informed the Appellant that his application is passed on to the Public

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Information Officer of Agnel Polytechnic, Verna. A copy of the said letter dated 6-7/9/2006 was also endorsed to the Public Information Officer of Agnel Polytechnic, Verna with a copy of the appeal with instructions to furnish necessary information.

2. The Appellant submits that he has not been provided any information either by the Director of Technical Education or the Public Information Officer of the Agnel Polytechnic, Verna. The present appeal is filed by the Appellant against the Public Information Officer and first Appellate Authority of the Director of Technical Education as well as the Public Information Officer of Agnel Polytechnic, Verna. Both the Respondents have filed their replies. Admittedly, there exists a separate Public Information Officer for the Agnel Polytechnic, Verna and the Respondents have rightly transferred the application of the Appellant to the Public Information Officer of Agnel Polytechnic, Verna. Therefore, it was the duty of the Public Information Officer of Agnel Polytechnic, Verna to take a decision on the application of the Appellant. The Appellant states that he has not received any information from the Public Information Officer of the Agnel Polytechnic. Therefore, in terms of the provision of Section 7(2) of the Act, the request of the Appellant deemed to have been refused by the Public Information Officer of Agnel Polytechnic. Being so, the Appellant should have preferred first appeal under Section 19(1) before the first Appellate Authority of the Agnel Polytechnic, namely, Director of Technical Education. Instead the Appellant has directly approached the Commission by the way of second appeal against the letter dated 6-7/9/2006. The time limit provided for filing the appeal before the Commission under sub-section (3) of Section 19 of the Act is 90 days. In the instant case, the Appellant has filed appeal after expiry of 90 days and no request has been made for condoning the delay in filing the present appeal. Therefore, the present appeal is barred by law of limitation.

3. Hence, the appeal is rejected. Announced in the open Court on 15th February, 2007 at 11.00 a.m.

(G. G. Kambli)
State Information Commissioner, GOA.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

