

GOA INFORMATION COMMISSION

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

Appeal No. 99/2007-08/PWD

Shri. Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, Santa Cruz – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Executive Engineer,
Division VIII (Buildings – South),
Public Works Department,
Fatorda, Margao – Goa..
2. First Appellate Authority,
The Superintending Surveyor of Works,
Public Works Department,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 18/04/2008.

Appellant present in person.

Adv. K. L. Bhagat for both the Respondents.

ORDER

This is an appeal against the order dated 28th August, 2007 of the first Appellate Authority, Respondent No. 2 herein. By that order the Respondent No. 2 partly allowed the appeal filed by the Appellant and directed the Respondent No. 1, Public Information Officer, to furnish to the Appellant certified copy of his letter dated 28th April, 2007. This was obviously done. However, the contention of the Appellant now is that the first Appellate Authority in the impugned order has mentioned wrongly that the Appellant requested for the adjournment of the hearing on 17th August, 2007 before the first Appellate Authority so that the Appellant could produce a receipt for having paid application fee of Rs.10/-. The Appellant states that he did not ask for the adjournment and requested this Commission to call for the records and the proceedings of the first Appellate Authority which was agreed to. On perusal of the records received from the first Appellate Authority, there is no proceedings sheet to verify the allegation one way or the other. It is necessary to maintain a record of all the events taking place by the Appellate Authority whenever there is a hearing. This proceedings sheet should form part of the record of the Appellate Authority, and the first Appellate Authority should follow this procedure in future.

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2. On perusal of the impugned order as well as the record of the first Appellate Authority, it is revealed that hearing actually took place on 17/8/2007 wherein the reply by the Public Information Officer was handed over to the Appellant. It is only when it was revealed by the Public Information Officer during the course of the hearing that the Appellant did not pay application fee of Rs.10/- and the Appellant insisted that he paid it, that the matter was kept for further hearing and fixed on 24th August, 2007. On the adjourned day of 24/8/2007, the Appellant produced a receipt No. 50 for Rs.10/- paid by him as application fee which is dated 21/08/2007. This is after the hearing on 17th August 2007 was concluded and before the next date of hearing namely 24/08/2007. It is very clear from this that it is the Appellant who has misled the first Appellate Authority and not otherwise. The Appellant has nothing further to say and it is unfortunate that there are no provisions under the Right to Information Act to deal with such situations when the citizen makes false allegations before the public authority.

3. On the main request of the Appellant that the progress report after 04/04/2007 by the Respondent No. 1 should be given to him, the Respondent No. 1 has already replied that there was no such progress report prepared by him and hence, there is no question of supplying any such report. We again reiterate that though the payment of application fee of Rs.10/- by the citizen at the time of making a request for application itself is a condition precedent for entertaining such a request by the Public Information Officer, this Commission has held that it is a remediable defect and the Public Information Officer could not reject the request only for this reason. We have held that this fee alongwith the cost of information should be recovered subsequently at the time of supply of information. However, the citizen should be informed of the amounts payable by him alongwith the detailed calculation sheet. The time the citizen takes to remit the money will be excluded from maximum time of 30 days allowed to the Public Information Officer to supply the information. This should be kept in mind by the Public Information Officer in future. In this case, when it has come on record that the Appellant did not pay the application fee, he should have been informed of this by the Public Information Officer at the earliest. No such intimation appears to have been sent by the Public Information Officer leading to all further unnecessary efforts in this case.

4. For the above reasons, appeal is dismissed.

Pronounced in the open court on this 18th day of April, 2008.

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

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

