

GOA STATE INFORMATION COMMISSION

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

Complaint No. 53/2006/

Shri Govind D. Phadte,
H.No. 620,
Karanjal, Marcaim - Goa

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Complainant

V/s.

1. Public Information Officer,
Dy. Director – Administration,
Office of the Principal Chief Engineer,
PWD, Altinho, Panaji – Goa.

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Opponent No.1.

CORAM:

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

(Per G.G. Kambli)

Dated: 23/03/2007

O R D E R

The Complainant has approached the Commission on the ground that the Opponent has refused to accept his application under the Right to Information Act, 2005 when the complainant went to present his application on 1/2/2007 at about 12 hours. The complainant states that the superintendent of Administration – I of the office of the Opponent refused to accept application saying that the concerned clerk is on election duty and asked the complainant to come at 3.00 p.m. He therefore submitted that the refusal to accept the application was not proper as the Public Works Department ought to have made some alternate arrangement. The complainant further states that he has affixed a court fee stamp of Rs. 10/- on the application towards processing charges, for which the superintendent has also raised objection stating that payment can be made by cash/DD. The complainant also states that he lost his ½ day besides he has to incur expenditure of traveling as he was coming from Marcaim, which is around 30 kms away from Panaji.

...2/-

2. The Opponent filed the reply along with the copy of the letter of the Superintendent (Admn.-I/ASPIO). The Opponent has not denied the allegation made by the Complainant. As can be seen from the copy of the letter of the Superintendent, the complainant, infact, has visited the Office with the application with court fee stamp of Rs. 10/-. It is further stated that the complainant was told to hand over his application to the Jr. Steno as per the standing oral instruction of the opponent. At the relevant time the Jr. Steno was not available in the Office as the said Jr. steno was sent for Computer training.

3. We agree that the application fees is to be paid either in cash/DD/ Bankers Cheque as per the Rules. In the present case the application could have been accepted along with the cash. However, at the relevant time the dealing hand i.e. Jr. Steno who has been entrusted with the said work was sent for Computer Training . Therefore the complainant could not present his application as no alternate arrangement was made by the opponent. Infact, the Commission wayback in July 2006 requested the Government to amend the Rules to facilitate the citizens to affix the court fees stamps. This was followed by the reminder letter dated 9/11/2006 alongwith the draft amendment to the Rules. This was again followed by a note dated 10/1/2007 to the Special Secretary (Information). However, till date the Commission has not received any decision. The proposed amendment provided one of the modes of the payment of the application fees in the form of court fees. The Commission receives the complaints from the citizens making out their grievances alleging that some of the offices of PIOs are not accepting the application fees on one pretext or the other thereby putting them in hardships besides monetary loss. It is not only the citizens who are put to hardships but the offices of the Public Authority are also put to much inconveniences as lot of work is involved in accepting the fee by cash/DD which includes issue of receipt, making entries in the cash books, challans credit it in the Government treasury etc. All these could have been saved if the amendment as suggested by the Commission was approved and notified by the Government.

4. The Complainant in its Complaint has stated that he is coming from Marcaim which is 30 kms away from Panaji and on account of the refusal to accept the application, the complainant has lost his ½ day. In case the Jr. Steno was not available, some alternate arrangement could have been made by the opponent to accept the applications from the citizen. Since no alternate arrangement was made the complainant has to visit the Office of the opponent again thereby putting him into inconvenience and hardship and therefore, the complainant has to be compensated for harassment and for suffering a loss. We, therefore, direct the Principal Chief Engineer which is the Public Authority to compensate the Complainant to the extent of Rs. 300/- which is to be paid within 3 weeks from the date of the receipt of this order. We are not inclined to impose any penalty on the opponent.

Sd/-

Shri G.G. Kambli
State Information Commissioner

Sd/-

Shri A. Venkataratnam
State Chief Information Commissioner