

GOA STATE INFORMATION COMMISSION

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

Appeal No. 58/2006/WRD

Mr. Santosh Y. Dicholkar
H. No. 89, Gaunkar Waddo,
Bicholim - Goa.

..... Appellant.

V/s.

1. Public Information Officer
The Superintendent of Surveyor of Works,
P.W.D., Altinho, Panaji - Goa.
2. First Appellate Authority
The Principal Chief Engineer,
P.W.D., Altinho, Panaji - Goa.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 18/01/2007.

Appellant in person.

Respondent No. 1 is also in person and Respondent No. 2 is absent.

ORDER

This will dispose off the second appeal filed by the Appellant against the Respondents. The case of the Appellant is that the Appellant approached the Information Officer c/o the Executive Engineer, Works Div. XXIII, P.W.D., Bicholim seeking the following information under the Right to Information Act, 2005 (hereinafter referred to as the Act) :-

- i) All the documents mentioned in the file under Ref. 16/II-6/91-92/PWD-WDXVII-ADM/2771 dated 19/3/91 in regard to Land Acquisition formalities for construction of road from Dhatwado Bagwado at Piligao in Bicholim Taluka passing through the property under survey No. 29/1.
- ii) Other documents if any including Award passed in regard to said land acquisition.

...2/-

iii) That the file is sent back to your office vide annexures annexed to the present application dated 05/12/2002, 25/08/2003 and 10/03/1992 regarding above land acquisition in which it is mentioned that the file of acquisition has been sent to your office.

2. As the Appellant did not receive the reply within statutory period of 30 days, the Appellant filed the first appeal before the first Appellate Authority on 12/10/2006. The Appellant also filed another appeal before the first Appellate Authority. The date of filing the said appeal is not available. The Appellant has filed the subsequent appeal in response to the letter dated 31/10/2006 of the Executive Engineer, Works Div. XXIII, P.W.D., Bicholim. In the said appeal, the Appellant also requested to provide a copy of the consent letters given by the owners. The Executive Engineer, Works Div. XXIII, P.W.D., Bicholim vide his letter dated 31/10/2006 had informed the Appellant that he was not the Information Officer for P.W.D., and that the efforts were made to trace the old records as the matter pertains to more than 20 years old and whatever documents found were supplied to the Appellant. The first Appellate Authority passed an order dated 6/11/2006 directing the Executive Engineer, Works Div. II, P.W.D., Panaji to give all the details of the land acquisition proceedings and the other details as requested by the Appellant.

3. Dissatisfied with the order of the first Appellate Authority, the Appellant has filed the second appeal before this Commission. The notices were issued to the first Appellate Authority as well as to the Public Information Officer of the P.W.D. The first Appellate Authority remained absent and the Public Information Officer filed the reply. In the reply, the Public Information Officer has stated that the Appellant has never approached the Public Information Officer and admittedly approached the Executive Engineer, Works Div. XXIII, P.W.D., Bicholim. The Public Information Officer had also informed that the Government has now issued the notification designating the Executive Engineers as a Public Information Officers and at present he is not the Public Information Officer for the office of the P.W.D. He has also stated that he did not receive the application from the Appellant seeking information during his tenure as a Public Information Officer and therefore, he prayed that he may be deleted from the present appeal.

4. Admittedly, when the application dated 12/9/2006 was presented by the Appellant, the Executive Engineer was not the Public Information Officer. In fact, the Executive Engineer who received the application from the Appellant ought to have transferred the same to the Public Information Officer for the necessary action which the Executive Engineer failed to do so. The Executive Engineer was very well aware that he was not the Public Information Officer at the relevant time as can be seen from his letter dated 31/10/2006. It is also interesting to note that the first Appellate Authority has taken the cognizance of the first appeal filed by the Appellant against the Executive Engineer, Works Div. XXIII who was not the Public Information Officer. The first Appellate Authority also passed the order giving directions to the Executive Engineer, Works Div. II, P.W.D., Panaji to provide all the details pertaining to the land acquisition and also the other details as requested by the Appellant. In fact, the first Appellate Authority ought to have seen that neither the Appellant approached the Public Information Officer nor the Executive Engineer, Works Div. XXIII forwarded the application of the Appellant to the Public Information Officer.

5. We have noticed that the Appellant has not approached the competent authority i.e. Public Information Officer of the PWD seeking information. The first Appellate Authority has already passed an order giving directions to the Executive Engineer, W.D. II, PWD, Panaji to provide the necessary information to the Appellant where the records are available. Since the Executive Engineer are now appointed as Public Information Officers, the Appellant may approach the Executive Engineer, WD II, PWD, Panaji for the necessary information. We direct the Executive Engineer, WD II, PWD, Panaji to comply with the directions given by the Principal Chief Engineer, the then first Appellate Authority if not done so far, and submit the compliance report to the Commission within two weeks from the date of the receipt of the order.

Announced in the open Court on this 18th day of January, 2007.

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

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