

BEFORE DR. GITA
APPELLATE AUTHORITY

JOINT SECRETARY & FIRST

(Under Section 19 of RTI Act, 2005)
MINISTRY OF LAW & JUSTICE: DEPARTMENT OF LEGAL AFFAIRS
ROOM NO. 408, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001

Appeal No.21(2257)/2014-IC

Date: 11.04.2014.

In the matter of
Shri Joao C. Pereira,
House No. 40,
Aosona, Utorda,
Majorda, Salcete,
Goa.

Appellant

Versus

Central Public Information Officer
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhawan
NEW DELHI - 110001

Respondent

Date: 11.04.2014

ORDER

The appellant has filed an appeal on 03.01.2014 received on 5.2.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(2257)/2014 dated 07.01.2014.

Brief facts of the case:

1. The appellant vide his application dated 14.12.2013 sought information relating to complaint against ASG (Bombay High Court).
2. The respondent has collected the information from the concerned sections of this Ministry and sent the reply to the appellant vide letter No. 21(2257)/2013 dated 07.01.2014.
3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 05.02.2014.

4. I undersigned have been appointed as Appellate Authority in the matter on. After perusal of the facts of the case it appears that no hearing is required in this matter.

Observation

5. On perusal of the record it appears that the information furnished by the respondent vide letter dated 07.01.2014 is the substantive response for the information asked by the applicant in the original application.
6. I have assessed the facts and circumstances of the case and come to the conclusion that the CPIO, the respondent has not acted as per provisions of Act. Respondent is directed to inform the appellant about the latest status of the information asked by him within 15 days from the date of receipt of this order. In view of keeping the principles of natural justice the appeal is rejected.
7. The appellant may kindly note that since the proceeding has been closed, no further hearing may be conducted in this matter. Moreover, if there is any grievance against the order of the Appellate Authority, he may file second appeal before the Hon'ble CIC sitting at 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066 (within 90 days) i.e period as prescribed under the provision of RTI Act, 2005.


11-04-14

(DR. GITA RAWAT)
Joint Secretary & Appellate Authority
Date: 11.04.2014

Copy to:

1. Shri Shri Joao C. Pereira, House No. 40, Aosona, Utorda, Majorda, Salcete, Goa.
2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

(DR. GITA RAWAT)
Joint Secretary &
Appellate Authority
11-04-2014

F. T.S.No.21(2257)/2014-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
IMPLEMENTATION CELL

By Speed Post

Shastri Bhawan, New Delhi.
Dated 17.4.2014

To

Shri Joao C.Pereira,
House No. 40,
Aosona, Utorda,
Majorda, Salcete,
Goa.

Subject: Compliance of the Appellate Authority's Order No. 21 (2257)/2014-IC
dated 11.4.2014 in the matter of Shri Joao C.Pereira Vs CPIO.

Sir,

In compliance to the First Appellate Authority's Order dated 11.4.2014, the concerned Section has informed that they have sent a reminder dated 30.12.2013 to Shri Carlos Alvares Ferreira, Assistant Solicitor General requesting him to furnish his comments on the complaint against him. But no reply has been received from Shri Perreira.

Encl: As above.

Yours faithfully,

(K. Ginkhan Prang)
Central Public Information Officer
23384706.

Issued
22.4.2014

EM-4801955872M-31/1/2014

21(2257)12013 IC LM

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BEFORE THE FIRST APPELLATE AUTHORITY, UNDER RTI ACT, 2005

(Ministry of Law and Justice (Department of Legal Affairs)

First Appeal No. /2014

SHRI JOAO C. PEREIRA,
major of age,
resident of H.No.40,
Acsons, Utorda,
Majorda, Salcete, Goa.

... APPELLANT

V/S

THE CENTRAL PUBLIC INFORMATION OFFICER,
Ministry of Law & Justice,
Department of Legal Affairs,
Judicial Section,
Shastri Bhavan,
New Delhi

... RESPONDENT

APPEAL U/S 19(1) OF THE RTI ACT, 2005

MAY IT PLEASE THE HON'BLE AUTHORITY

1. The Appellant addressed an application under RTI Act on 14.12.2013 to the Respondent and sought information in the form of queries on the Appellant's Complaint/Petition dated 14.9.2013 addressed to the Legal Advisor, Shri Suresh Chandra, which is fully described in the said application. A copy of the application dated 14.12.2013 is annexed herein and marked as Exh. 'A'.
2. The Respondent never bothered to reply nor furnish any information to the Appellant within the stipulated period of 30 days as per Section 7(1) of the RTI Act, 2005. Therefore the Appellant treated that his application dated 14.12.2013 has been deemed rejected by the Respondent as per Section 7(2) of the Act and hence preferred the present first appeal before the Hon'ble Authority as per provisions of RTI Act.

D. in

*71. put up on file 2/3
Ms. Lalitha*

*Post RTI
18.12.2013
23.12.2013
25.12.2013
RTI Section*

G R O U N D S

1. That the refusal by the Respondent to furnish information to the Appellant is contrary to the provisions of the Act and its very purpose.

II

The Respondent has acted in perverse and illegal manner by failing to even reply to the Appellant's request within the stipulated period of 30 days as per Section 7(1) of the Act.

III

The Respondent has deliberately denied the information in order to protect the corrupt Assistant Solicitor General of India appointed at Bombay High Court, at Bombay by Government of India, Adv. Carlos Alvares Ferreira.

IV

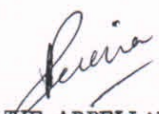
The Respondent has failed to discharge his duties as Central Public Information Officer as assigned under the Act.

P R A Y E R

The Appellant therefore prays before the Hon'ble Authority that:

- (A) to direct the Respondent to furnish correct information to the Appellant as sought in application dated 14.12.2013 free of cost as per Section 7(6) of the Act.
- (B) Pass any such orders deemed fit and proper in the circumstances of the case.

Mergao,
31.1.2014


THE APPELLANT

Exh: 'A'

From : Jose C. Pereira,
H.No.40, Acsons,
Utorda, M
Majorda, Salcete, Goa

Date : 14th December 2013

To
The Central Public Information Officer,
Ministry of Law & Justice, (Department of Legal
Affairs),
Judicial Section,
Shastri Bhavan,
New Delhi 110 001.

Sub : Information sought under R.T.I Act, 2005

Sir,

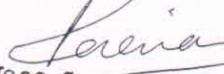
Kindly furnish me the following information from the Office of Joint Secretary and Legal Division, headed by Shri Suresh Chandra

- (a) What action/steps Joint Secretary and Legal Advisor Shri Suresh Chandra has taken on my petition dated 14.9.2013 addressed to him with a request to drop Asst. Solicitor General of India appointed at Bombay High Court, at Goa by Government of India, Adv. Carlos Alvares Ferreira till date.
- (b) Give me the copies of all correspondence, comments, enquiry reports issued/received on my petition dated 14.9.2013 by Ministry of Law & Justice till date, and also furnish me certified copies of the note sheets of the file pertaining to my petition dated 14.9.2013.

Necessary application fee of Rs.10/- is paid by way of Postal Order drawn in favour of Accounts Officer, Ministry of Law & Justice New Delhi bearing No.97E 710818

Thanking you,

Yours faithfully,


(Jose C. Pereira)

Encl : Postal Order No.97E 710818

*True copy
Sena*

BEFORE THE FIRST APPELLATE AUTHORITY, UNDER RTI ACT, 2005
(Ministry of Law and Justice (Department of Legal Affairs)

First Appeal No. /2014

SRI JOAO C. PEREIRA,
major of age,
resident of H.No.40,
Acosora, Utorda,
Majorda, Salcete, Goa.

... APPELLANT

V/S

THE GENERAL PUBLIC INFORMATION OFFICER,
Ministry of Law & Justice,
Department of Legal Affairs,
Judicial Section,
Shastri Bhavan,
New Delhi

... RESPONDENT

APPEAL U/S 19(1) OF THE RTI ACT, 2005

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Mejorda, Salcete, Goa

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Sub : Information sought under R.T.I Act, 2005

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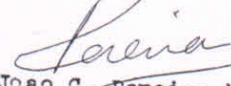
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Thanking you,

Yours faithfully,


(Joao C. Pereira)

Encl : Postal Order No.97E 710818

(2257) *[Handwritten signature]*

reira,
sons,

①

Goa

Date : 14th December 2013

The Central Public Information Officer,
Ministry of Law & Justice, (Department of Legal
Affairs),
Judicial Section,
Shastri Bhavan,
New Delhi 110 001.

Sub : Information sought under R.T.I Act, 2005

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of Joint Secretary and Legal Division, headed by Shri Suresh Chandr

19/12/13
Ms. Sahu (to)
Judicial
Section

(a) What action/steps Joint Secretary and Legal Advisor Shri Su-
resh Chandra has taken on my petition dated 14.9.2013 addres-
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India appointed at Bombay High Court, at Goa by Government of
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R7/1/4

(b) Give me the copies of all correspondence, comments, enquiry
reports issued/received on my petition dated 14.9.2013 by
Ministry of Law & Justice till date, and also furnish me cer-
tified copies of the note sheets of the file pertaining to my
petition dated 14.9.2013.

&/Dy. No. 2343
Dated..... 19/12/13

Necessary application fee of Rs.10/- is paid by way of Postal
Order drawn in favour of Accounts Officer, Ministry of Law & Justice
New Delhi bearing No.97E 710818

Thanking you,

Yours faithfully,

[Handwritten signature]
(Jose C. Pereira)

Encl : Postal Order No.97E 710818