



**The State Information Commission, Kerala**  
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File No.1276/SIC-Gen-2/2007

Smt.Pathimuth,  
Kottakkuzhi Kizhakkathil,  
Manakkara, Sasthamkotta,  
Kollam-690 521.

Appellant

**Vs**

Public Information Officer and,  
Tahsildar,  
Kunnathur.

Respondent

Appellate Authority and,  
Additional District Magistrate,  
Collectorate,  
Kollam.

## **ORDER**

This second appeal was admitted on a limited question of law whether compensation could be awarded in a case which was rejected by the PIO and subsequently allowed by the First Appellate Authority?

The Appellant, Smt.Pathimuthu.M had approached this Commission with the following prayer.

On the 23rd of February 2006, she had preferred a request before the Tahasildar, Kunnathur . The same was rejected and, therefore, a first appeal was preferred before the Additional District Magistrate, Collectorate, Kollam. The appeal was allowed and the documents were furnished but, the appellant claims that there was a delay of 7½ months in granting her prayer and she has to be compensated for the delayed furnishing of the information.

The Appellate Authority was summoned and was heard on 26.7.2007. *The question that arises of consideration is whether any damage or*

*compensation could be awarded in a case wherein the appeal was allowed within the time frame both before the PIO and Appellate Authority?*

This appeal had got a protracted history. Smt.Pathimuthu was the requester in Ext- A1 request preferred before the Tahsildar, Kunnathur. The request was that there was a dispute with regard to a path-way which was settled in a Revenue-Police combined adalath. The order in the adalath was pronounced by the then ADM writing down the same on a paper in the very same adalath. The requester wanted further details with regard to the pathway, its extent and also the particulars of the real owners of the plots adjacent to the pathway. This request Ext- A1 was seen dated 23.2.2006. Tahsildar, Kunnathur had disposed off the matter by giving Ext A2 letter to the requester. In the said letter, it was intimated that the matter was still pending with the ADM and all the records were kept in the office of the ADM, Kollam and, therefore, the requester was directed to approach the O/o. the ADM, Kollam. On 27.2.2006, with this communication the matter was disposed off.

The requester was not satisfied with this reply, and, therefore, a first appeal was preferred before the ADM, vide Ext- A3 letter. The appeal preferred u/s.19(1) did not contain the date of appeal. However, it is seen that the appeal was initialed in the office of the ADM on 14.8.2006. In other words, the appeal was preferred after the expiry of 30 days. Normally, a first appeal should have been preferred within 30 days of the disposal of the appeal. And, if there was sufficient reason for the delay, the appellate authority could have condoned the delay. Even though this appeal petition was delayed for about 5 months [ought to have been within 30 days from 27.2.2006 but was actually filed only on 14.8.2006] the appeal was entertained without a formal request for condonation of delay. An enquiry was ordered by the first appellate authority. The Tahsildar as well as the requester were summoned and a decision was taken to furnish the documents. The affidavit preferred by the ADM would show that the enquiry was conducted on 30.8.2006. The documents were ordered to be furnished on payment of a fee of Rs.98/-. Accordingly, it was decided by the first A/A on 31.8.2006 and thus the appeal was allowed. Subsequently an amount of Rs.98/- was remitted by the appellant as ordered by the A/A and the information was furnished to the appellant. In short, the documents produced before the SIC would show that a request u/s 6 of the RTI Act was disposed off by the PIO within time but not by furnishing the documents. The Appellate Authority had entertained the first appeal even after the expiry of the appeal period and furnished the documents. No damages are caused to the appellant. No delay has been caused at two stages, *ie.*, before the PIO and also before the Appellate Authority.

Therefore, there is no merit in the case, and, the appeal is disposed off accordingly.

Dated this the 7th day of August, 2007.