

GOA STATE INFORMATION COMMISSION AT PANAJI
Seventh Floor, Kamat Towers, Patto, Panaji –Goa.

CORAM: Shri. Prashant S. P. Tendolkar, State Chief Information
Commissioner.

Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No. 25/SCIC/2016

Mrs. Savitri L. Candolkar
Vady, Candolim,
Bardez –Goa. Appellant

V/s

- 1) The Public Information Officer,
Mr. Madhu G. Narvekar,
Mamlatdar of Bardes,
Mapusa, Bardez –Goa. Respondent No.1
- 2) The First Appellate Authority,
Deputy Collector of Bardez,
Mapusa, Bardez-Goa. Respondent No.2

Filed on : 15/02/2016
Disposed on: 01/07/2016

1) Facts:

- a) By his application dated 09/11/2015 the appellant sought certain information pertaining to mutation case No.46346, to queries (a) to (f). By reply, dated 08/12/2015, the PIO informed the appellant to collect the copies of the mutation No.46346 from the office on any working day.
- b) Being aggrieved by the said order the appellant filed first appeal to the First Appellate Authority (FAA), who by order, dated 20/01/2016 allowed the same and directed Respondent No.1, PIO to furnish the information within 7 days from the date of the said order.

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- c) The appellant has filed this 2nd appeal being aggrieved by the fact that inspite of the said order of the FAA, the Respondent No.1, as PIO, has failed to furnish the same till date.
- d) By this appeal the appellant has prayed for direction to the Respondent No.1 to furnish the information as also for inspection of records, files and registers. The appellant has also prayed for an action to be taken on PIO as also for penalty and compensation. The appellant prays also for disciplinary actions against the PIO.
- e) The notice of the appeal was served on the parties. The appellant was represented by Adv. A. Mandrekar. The respondent No.1, though served remained absent. Respondent No.2 initially was represented by the authorized representative but latter remained absent. In view of the continuous absence inspite of giving opportunity, as the Commission felt that the Respondents are not interested in contesting the appeal, heard the arguments of the appellant.
- f) Advocate A. Mandrekar, in his arguments submitted that though by her application, dated 09/11/2015, the appellant has sought for para wise information, he was called by the PIO only for inspection and no para wise information was furnished. According to him this is incorrect and incomplete information and hence he filed the First appeal.
- g) He further submitted that inspite of the order of FAA till date the information is not submitted. By pointing out to the records, he submitted that considering the action of the PIO it is clear that he has no respect or consideration to his senior officers nor to the Commission and that the conduct of the PIO is adamant and contrary to the provisions of the RTI Act. He further submitted

that the PIO failed to reply and has obstructed the appellant from receiving the information which amounts to refusal. He further argued that the appellant has sought information which was never granted and what was allowed was only inspection resulting in incomplete furnishing of information. With these argument he submitted that the PIO should be suitably punished by imposing penalty as also by directing an inquiry against him under the service condition.

2) FINDINGS:

- a) We have perused the records. We find that, by the application u/s 6, the appellant has sought for certain information vide queries at (a) to (f) and has also applied for certified copies. The said information, if is existing is in the form of documents and records. The reply, dated 08/12/2015 of the PIO does not deny the existence of the document, on the contrary ask the appellant to inspect the same. The appellant having applied for certified copies, it was incumbent upon the PIO to furnish such copies, and there was no necessity to call for inspection, which is done by the PIO for the reasons not explained.
- b) Be that as it may, in the first appeal filed by the appellant, the first Appellate authority directed the PIO to provide the information as sought for by the appellant. However, in utter disregard to the said order the PIO again failed to provide the information as sought for. Once as order is passed by the FAA, who is an Senior Rank officer than the PIO, there was no option left to the PIO then to comply with such order.

- c) Further, glaringly it can be noted in the course of this proceedings that, inspite of receipt of the notice of this appeal no explanation or reason is furnished by the PIO for not providing the information.

The PIO conveniently opted to remain absent. Thus the casual attitude of the PIO is once again seen. Considering the above position we do not find anything on record to infer that the information, sought for, has been furnished and hence we find force in the arguments of Adv. Mandrekar that having not received the information earlier inspite of the order of the FAA the intervention of this Commission is necessary.

- d) Considering the conduct of the PIO and his indifferent approach to the entire issue, we also find some substance in the arguments of Adv. Mandrekar that the PIO has purposely and malafidely refused access to information and also that the PIO has given incomplete information. This leads us prima facie to hold that PIO has malafidely denied the request for information. Such allegation, if proved, would call for disciplinary proceedings and imposition of penalty and for recommending actions against the PIO.

In the aforesaid circumstance we proceed to dispose this appeal with the following:

O R D E R

Appeal is allowed. PIO is directed to furnish to the appellant the entire information as sought by her vide her application, dated

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09/11/2015, free of cost, within 3 weeks from the date of receipt of this order and report compliance to this Commission alongwith acknowledgement of the appellant, within ten days thereafter.

Issue notice to the Respondent No.1, PIO, to show cause as to why action for imposing penalty and recommending disciplinary action as provided under section 20(1) and (2) should not be initiated against him, returnable on 17/08/2016 at 10.30 am.

If no reply is received from the PIO, it shall be deemed that he has no explanation to offer and further orders as may be deemed fit shall be passed.

No appeal is provided against this order under the RTI Act 2005. Parties to be communicated alongwith copy of this order free of cost.

Pronounced in the open proceeding.

Sd/-
(Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

Sd/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji-Goa

