

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

Appeal No. 108/2016

Shri Bruno John De Sousa,
437,Marra Pilerne,
Bardez Goa.

.....**Appellant.**

V/s.

1. Public Information Officer (PIO),
Secretary, Village Panchayat of
Marra, Pilerne,
Bardez Goa.
2. The First Appellate Authority(FAA)/
BDO-1, 2nd floor,
Government office Complex,
Mapusa Bardez North Goa.

.. ..**Respondents**

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on:30/05/2016

Decided on:22/03/2017

ORDER

1. The appellant Shri Bruno D'Souza herein by his application dated 11/02/2016 filed u/s 6(1) of the RTI Act 2005 sought certain information, from the Respondent No. 1 PIO from Village Panchayat of Marra, Pilerne under several points therein .
2. The said application was not responded by the Respondent No. 1 PIO within time as deeming the same as refusal appellant filed first appeal to the Respondent No. 2 BDO , Mapusa, Bardez , on 7/4/16 being the first appellate authority(FAA).
3. As he did not receive any decision of the first appellate authority, the appellant is landed before this commission in his second appeal u/s 19(3) of the Act on 26/5/16 with a prayer as against respondent PIO to furnish him the information as sought by him and for invoking penal provisions .

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4. Notices were issued to the parties. The appellant opted to remain absent. Respondent No. 1 Present PIO Shri Dinesh Chodankar appeared and filed his say on 27/01/17 interalia submitting that the information is furnished to the appellant on 30/06/2016. The copy of the letter dated 09/06/2016 addressed to the appellant by the Respondent is placed on record by the PIO in support of his contention that the information has been furnished to the appellant in compliance of the order of the first appellate authority dated 01/06/2016. He also relied the proceedings sheets of the first appellate authority where in the direction were given by Respondent No. 2 First appellate authority to the PIO . The PIO further pointed out the endorsement made by the appellant having carried out the inspection and having received the documents on 30/06/2016 which was acknowledge by him on the letter dated 09/06/2016.
5. since the appellant was continuously absent no copy of the reply could be furnished to the appellant and no such clarification could be obtained from him.
6. I have considered the records and submission of the Respondent record shows the present appeal was filed on 26/05/2016 and the information was furnished to him on 30/06/2016 , it appears that the appellant is satisfied with the information which came to be furnished to him in pursuant to the order of the First appellate authority as such he has not made himself available to substantiate his case.
7. On further perusal of the record it is found that the original application u/s 6(1) was filed on 11/02/2016. The information furnished only on 30/6/16 in compliance of the order of the first appellate authority. The records shows that the application u/s 6(1) was responded by the present PIO on 29/03/2016 The said application dated 11/02/2016 is not found to have been responded

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by then PIO. initially within the time stipulated under the act. Such lapse calls for the penalty on the part of then PIO u/s 20(1) and 20(2) of the RTI Act. The present PIO has submitted during the hearing that then PIO Shri Khushali Halankar has been intimated by him to appear before this commission vide letter No.28/01/2017. And he placed on record the said letter in support of his contention

8. In view of above, an opportunity has be granted to Shri Khushali Haldankar, then PIO of village Pancharyat Marra, Pilerne, Bardez Goa before imposing such penalty .

I dispose the present appeal with the following .

ORDER

The then PIO of village Panchayat Marra, Pilerne Shri Khushali Haldankar is hereby directed to Showcause as to why action as contemplated u/s 20(1) should not be initiated against him for not responding the application filed by the appellant u/s 6(1) of the Right to Information Act 2005, within the time stipulated u/s 7(1) of RTI Act.

Shri Khushali Haldankar then PIO is hereby directed to remain present before this Commission on 25/04/2017 at 3.30. p.m. alongwith written submission showing why penalty/ compensation/ disciplinary action should not be imposed/initiated against him. If no reply is filed by the Opponent No. 1-PIO it shall be deemed that he has no explanation to offer and further orders as may be deemed fit shall be passed.

The proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa