

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**

Appeal No.105/ SIC/2016

Shri Amarnath A. Palni,
R/o H.No. 761/39, Sainagar,
Aldona,
Bardez, Goa

..... Appellant

V/s.

1.The Public Information Officer (PIO),
Administrator of Comunidade,
North Zone, Mapusa Goa.

2.The First Appellate Authority (FAA),
Additional Collector-II,
North ,
Panaji Goa.

.....Respondents

Appeal filed on: 30/05/2016

Decided on: 05/04/2017

ORDER

1. The appellant Shri Amaranth Palni vide an application dated 16/06/2015 filed under section 6(1) of Right to Information Act (RTI), 2005 sought certain information from the O/o Public Information Officer (PIO), Administrator of Comunidade, North Zone, Mapusa-Goa as stated there in the said application with respect to Comunidade of Nachinola
2. The said application was not responded by Public Information Officer (PIO) within stipulated time as specified under RTI Act as such deeming the same as refusal. The appellant filed 1st appeal on 22/12/2015 in terms of section 19 (1) of RTI Act before Additional Collector-II who is an Respondent No. 2 herein being 1st Appellate Authority.

3. The Respondent No. 2 First Appellate Authority (FAA) by an order dated 16/02/2016, allowed the said appeal and thereby directed the Respondent No. 1 PIO to furnish the information within 2 days.
4. Since no information came to be furnished to him despite of the order of Respondent No. 2, the appellant being aggrieved by the action of the Respondent No. 1 thereafter approached this Commission by way of 2nd appeal on 26/05/2016 in terms of section 19 (3) of RTI Act.
5. Notice were issued to the parties. In pursuant to the notice appellant was present in person. Respondent PIO Uday Kaskar was present.
6. In the course of the hearing the appellant submitted that he has received the information from the Respondent PIO on 18/02/2016 and that he is satisfied with the information provided to him. However he submitted that since his application u/s 6(1) was not responded within time by PIO the great hardship and mental agony has been caused to him.
7. He further submitted that he had filed the application under section 6(1) of RTI Act on 16/06/2015 and he has received reply on 20/01/16 i.e after 6 months. It is the case of the appellant that the Respondent no. 1 PIO has purposely without seeking any information from Comunidade of Moira have furnished to him false and incorrect information.
8. In the nutshell it is contention of the appellant that the Respondent No. 1 PIO has violated the provision of the act by not furnishing information on time and as such he should be penalize under section 20(1) and 20(2) of RTI Act. I find prima-facia that PIO has failed to respond to the application of the appellant. Within time as contemplated under section 7(1) of RTI Act. However before imposing any penalty an opportunity required to be given to then PIO to explain his version. In the circumstances, I pass the following order:-
 - a) The appeal is partly allowed no intervention of this Commission required for furnishing information.
 - b) Issue notice to Respondent No. 1 PIO to show cause as to why action for imposing penalty, compensation and disciplinary action

- as provided in section 20(1) and 20(2) should not be initiated against him.
- c) Respondent No. 1 is hereby directed to remain present before this Commission on 2/05/2017 at 3.30. p.m. alongwith written submission showing why penalty, compensation and disciplinary action should not be imposed on him. If no reply is filed by the Respondent No. 1, PIO it shall be deemed that he has no explanation to offer and further orders as made deemed feet shall be pass.
- d) In case the PIO at the relevant time, to whom the present notice issued, is transferred , the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO.

Notify the parties.

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

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

