

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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**Shri Prashant S.P. Tendolkar,**  
**State Chief Information Commissioner**

**Appeal No.282/SIC/2010**

Shri Ramesh S. Kerkar,  
R/O H. No.355, Muddawado,  
Saligao, Bardez-Goa. .... Appellant

V/s

- 1) Mr. Tushar Halarnkar,  
The Block development Officer –II,  
Mapusa-Goa.
- 2) The Public Information Officer,  
Village Panchayat of Saligao,  
Saligao, Bardez-Goa. .... Respondents.

DATE: 8/11/2017

**O R D E R**

1)By order, dated 28/06/2017, the present PIO was directed by this commission to furnish to the appellant the information as sought by the appellant at paras 1, 2, 4(a), 11(a), 15 and 17 of his application dated 2/07/2010. As per the said order the information was to be furnished on 13/07/2017 before this Commission in duplicate. Vide said order this Commission had decided that the issue of imposition of penalty on PIO shall be decided after compliance of the said order.

2) On 13/07/2017 the present PIO Shri Lourence Rebeiro remained present and furnished the copy of the purported information to the appellant. On going through the same the appellant submitted that it is not the same as was sought by him. PIO Shri Lourence

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Rebeiro submitted that the information is not maintained in the form as is sought by the appellant. Hence he was directed to file an affidavit affirming the said contention as also the pattern or form in which the said information was maintained.

3) The PIO failed to file the affidavit nor remained present before this commission inspite of the said direction. Hence notice was issued to the PIO. In spite of the said notice he failed to remain present not filed any reply. However, one Mr. yeshwant Shirodkar clerk of the said Panchayat remained present on 11/8/2017 alongwith purported information which according to appellant was not the information sought. In view of non compliance of the direction the PIO was directed to show cause as to why penalty u/s 20(1) and/or 20(2) of the Right To Information Act 2005 should not be initiated against him. In spite of service of said notice the PIO also failed to file any reply to show cause notice nor remained present on any date of hearing. However on 25/9/2017 said Shri Yeshwant Shirodkar, clerk from the said Panchayat filed a paper purported to be affidavit of PIO. The said affidavit is not sworn before notary or any person authorized to do so nor the same is attested. Hence the said paper cannot have sanctity as an affidavit and hence could not be accepted. In spite of pointing out the said defect till date no affidavit is filed.

4) The above conduct of PIO and failure to file an affidavit as directed by this Commission to affirm his contention shows his lack of concern to the orders of

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this Commission, which is detrimental to the implementation of provisions of the Right to Information of the Act. The PIO has also failed to show any cause as to why the penalty should not be imposed as was called upon by the notice, dated 28/06/2017 . No grounds are made out by the PIO to prove that the information as is sought by the appellant is either not available or is not maintained in the form and pattern as is sought by the appellant. Thus the above conduct of the PIO amounts to malafide denial of request for information. In spite of several opportunities granted to the PIO he has failed to prove that he acted reasonably and diligently. The PIO in spite of opportunities granted to him has persistently failed to furnish the information. In the above circumstance I find it a fit case for imposition of penalty in terms of section 20(1) and also u/s 20(2) of the Right to Information Act 2005.

5) In view of my above finding and in exercise of my powers granted u/s 20(1) of The Right to Information Act 2005, I hereby direct the PIO, Shri Lourence Rebeiro to pay a sum of Rs.10000/- (Rupees Ten thousand only) as penalty. The said penalty shall be deducted from the monthly salary of the PIO in two monthly installments of Rs.5000/- each, out of which first shall be from January 2018 and the second shall be of February 2018. The penalty so deducted shall be credited to the Government account.

In addition to above penalty, in exercise of my powers granted u/s 20(2) of The Right to Information Act 2005, I

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recommend that disciplinary proceedings be initiated against the PIO Mr. Lourence Rebeiro for malafide denial of information to the appellant. The Director of Panchayat shall conduct such inquiry under the service rules applicable to him and conclude the same within a period of 60 days from the date of receipt of this order by him.

The copy report of such inquiry shall be submitted to this commission within a period of 15 days from the date of its conclusions.

The above order of penalty shall be without prejudice to the right of the appellant to seek/collect the information. Notify the parties. A copy of the order be also sent to the Director of Panchayat North Goa for information and implementation.

Proceedings closed.

Pronounced in the open proceedings.

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