

**THE GOA STATE INFORMATION COMMISSION**  
**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

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

Penalty Case No. 21/2017

In

**Appeal No.108/2016**

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

.....Appellant

V/s.

1.The Public Information Officer,  
Secretary, Village Panchayat of Marra, Pilerne,  
Bardez- Goa.

2.The First Appellate Authority,  
BDO-I, 2<sup>nd</sup> floor, Government Office Complex,  
Mapusa,  
Bardez-Goa.

...Respondents

Disposed on: 31/05/2017

**ORDER**

1. While disposing the appeal, the Commission by an order dated 22/03/17 had directed to issue showcause notice to then PIO to Shri Khushali Haldankar as to why the action as contemplated u/s 20 (1) of the Right to Information Act 2005 should not be initiated against him for not responding the application filed by the appellant u/s 6(1) of the RTI Act 2005 within the time stipulated under section 7(1) of the RTI Act 2005. Accordingly showcause notice was issued to Khushali Haldankar on 5/04/2017 .
2. The then PIO Shri Khushali Haldankar appeared alongwith Advocate J. Rodrigues and filed his reply on 5/5/17 alongwith enclosure (a) and (b). Vide said reply the then PIO have contended that he was holding the post of Secretary at two different Village Panchayat. It is his contention that he was

holding the charge of V. P. Saligao and that he was given additional charge at V. P. Marna when the Appellant had filed application under RTI application. He has relied upon Office Order dated 25/07/14 giving additional Charge of Village Panchayat Pirna, Marna in addition to his posting at Village Panchayat Saligao.

The Respondents vide his reply to showcase notice have submitted that he was visiting Village Panchayat Pirna only on 3 days and he was overburden with work.

It is further case that the application for information was filed by the appellant on 11/02/16 and his additional charge was removed w.e.f 4/3/16 and that he has handed over charge to new secretary on 8/3/16. He has further contended that due to oversight he might have forgotten to intimate the new incumbent about the application filed by the appellant. In support of his contention he relied upon Order dated 4/03/2016 wherein he is relieved of additional charge of V. P. Marna.

3. In short it is case of Respondent that he was only working in the V. P. of Pirna during the period from the time the said application u/s 6(1) was received only for 11 days and thereafter he was relieved before the period of 30 days expired from the date of filing application under RTI Act .
4. It is further contention of the PIO that he has no intention of denying the information to the appellant.
5. Since the said reply is filed alongwith supporting documents I am convinced with the justification given by then PIO Khushali Haldankar and as such I do not find any cogent and convincing evidence against Respondent No. 1 then PIO to hold that delay caused in responding application under section 7(1) of RTI Act was either intentional or deliberate.
6. Considering the above findings, I find that the proceedings for imposition of penalty as initiated by this Commission cannot continue to proceed and are required to be dropped. Consequently notice dated 5/04/2017 stands withdrawn.

7. Proceedings stands closed.

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 under the Right to Information Act 2005.

Sd/-

**(Ms. Pratima K. Vernekar)**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

Kk/-