

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

**CORAM: Smt. Pratima K. Vernekar,**  
**State Information Commissioner**  
**Penalty Case No. 20/2017**  
**In Appeal No.107/2016**

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, Shri Khushali Haldankar as to why the action as contemplated u/s 20 (1) of the Right To Information Act 2005 (RTI Act) should not be initiated against him for not responding the application filed by the Appellant u/s 6(1) of the RTI Act within the time stipulated time under section 7(1) of the RTI Act. Accordingly show cause notice was issued to Khushali Haldankar on 5/04/17 .
2. The then PIO Shri Khushali Haldankar appeared alongwith Adv 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 Panchayats. It is his further contention that he was holding the charge of Village Panchayat (V. P.),

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

The Respondents vide his reply to showcause notice have submitted that he is to visit V.P. 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 thereby 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 that he had no intention of denying the information to the appellant.
5. Since the said reply is filed alongwith supporting documents. I am convince with the justification given by then PIO Khushali Haldankar. Since Respondent PIO Shri Khushali Haldankar had not got complete 30 days to reply as in

between he was relived from his additional charge, he cannot be held responsible for the delay. As such the showcause notice dated 5/04/2017 stands withdrawn.

6. 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

