GOA STATE INFORMATION COMMISSION

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

Shri Prashant S.P. Tendolkar,

State Chief Information Commissioner**,**

Complaint No.07/SCIC/2017

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.II,
Khorlim, Mapusa-Goa. …. Complainant

V/s

The Public Information Officer,
Dy. Collector & SDO-Bardez
Mapusa, Bardez –Goa. …. Respondent

Filed on: 07/04/2017

Decided on:28/06/2017

O R D E R

1) The complainant herein has approached this Commission with this complaint u/s 18 of the Right to Information Act 2005 (Act for short).The grievance of the complainant is that by his application, dated 03/01/2017, filed u/s 6(1) of the act he sought certain information from the PIO. The said application was not responded to by the PIO within time as required u/s 7(1) of the act.

The complainant has filed on record the copy of the said application dated 03/01/2017, filed u/s 6(1) of the act received by the office of Public Authority i.e. Office of Dy. Collector Bardez, Mapusa on 03/01/2017

2) As the said application was not responded by PIO he filed first appeal to the first appellate Authority (FAA). The said appeal was received by FAA on 10/02/2017, but according to the complainant the same is not heard and

decided within the period of 45 days as is mandatory and hence the complainant has approached this Commission with this complaint u/s 18 of the act. The Complainant has filed the copy of the appeal memo filed in first appeal.

3) Based on the complaint notice was issued on 18/04/2017 to PIO to show cause as to why action as provided u/s 20(1) and/or 20(2) should not be initiated against the PIO. As per the postal records the same was received on 24/04/2017. Said notice was also directed to be served on the then PIO in case the concerned PIO was transferred.

4) Inspite of service of notice the PIO failed to appear nor filed any reply as was called upon by said notice, dated 18/04/2017.

5) In view of the conduct of the PIO by not showing any cause by filing any reply as to why the penalty u/s 20(1) and/or 20(2) should not be granted, I hold that the PIO has no explanation to be offered and to show as to why said penalty should not be imposed and that he/she is not rebutting the contentions of complaint.

6) I have perused the records. I have also considered the pleadings of the complainant in the complaint. Said pleadings and contention are not rebutted by PIO. In the circumstances I hold that the contention of the complainant as true.

7) Section 7(1) of the act requires the PIO to respond any application filed by seeker of information u/s 6(1) of the act, within 30 days from the date of receipt of the application. This response can be either in the form of furnishing information or by rejecting the same with

reasons. The PIO herein has not responded to the said application of complainant, dated 03/01/2017, either by furnishing information or rejecting the same on any grounds.

8) The PIO has not furnished any reasons for not responding the said application, dated 03/01/2017 in time. In view of non furnishing the information in time without any reasonable cause, the PIO is liable to be penalized by directing him to pay penalty at the rate of Rs. 250/- per day of delay, subject to a maximum amount of Rs.25000/- is payable by the PIO.

9) In the absence of any reasonable grounds for not responding the application within time, I hold that this is a fit case for imposing penalty on the PIO in terms of section 20 (1) of the Act. The said penalty is quantified at Rs.15000/-.

10) The Complainant has also prayed for ordering disciplinary proceedings against the PIO in terms of section 20(2) of the Act. However complainant has not pointed out any persistent default on the part of PIO in delaying the information. Hence I find that the penalty u/s 20 (2) cannot be invoked.

11) In the facts and circumstances, and in exercise of my powers u/s 20(1) of The Right To Information Act.2005, I **order and direct the concerned officer of the office of Dy. Collector & S.D.O. Mapusa –Goa, functioning as Public Information officer (PIO), during the period from 3/1/2017 to 4/2/2017 to pay a sum of Rs.15000/-(Rupees fifteen thousand only) as and**

by way of penalty. The said amount shall be deducted from the monthly salary of concerned PIO in three equal monthly installments of Rs.5000/- each starting from July 2017.

12) For the purpose of facilitating deduction, the Administrator, office of Dy. Collector & S.D.O. Bardez, Mapusa, Goa is hereby directed to furnish to the Directorate of Accounts the name, designation and other required details of the concerned PIO of the said office, functioning during said period from 3/1/2017 to 4/2/2017 to enable it to recover the said amounts.

Copy of this order be also sent to the **Director of Accounts, Government of Goa** as also to **Dy. Collector & S.D.O., Bardez, Mapusa –Goa,** for compliance.

Parties to be notified.

Proceedings closed.

Pronounced in open proceedings.

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