GOA STATE INFORMATION COMMISSION
Kamat Tower, Seventh Floor, Patto Panaji-Goa

Penalty Case No.34/2017
In
Appeal No. 190/2016

Shri Umakant Falgun Tari,
H.N. 1043,
V.P. St. Estevam Jua Tonca Wada, …Appellant
St, Estevam Tiswadi Goa.

V/s.

1.ShriP.B.Kankonkar,
Public Information Officer,
Village Panchayat St. Estevam, ….Respondent
Post St. Estevam Tiswadi Goa.
2. Shri Mahesh H. Kedar,
First Appellate Authority,
B.D.O. Tiswadi, Junta House, 6th floor,
4th lift Panaji Goa.

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

Disposed on:-08/06/2017

O R D E R

1. while disposing the appeal this commission vide order dated 12/5/17 as directed the Respondent PIO to comply with the order passed by FAA dated 16/6/2016 in respect of his application dated 24/2/16 within 15 days from the receipt of the order. And also had issued show notice to then PIO Shri P. B. Kankonkar as to why the penal action should not be taken against him for not responding application u/s 6(1) of RTI Act within time and for not furnishing the information despite of direction of Respondent No. 2 FAA.

2. In pursuant to the Showcause notice dated 2/6/17 Advocate E. Herelia appeared on behalf of PIO who filed reply on 8/6/17 to

the showcause notice. In the reply point wise information was also given copy of the reply was furnished to the appellant .

Arguments advanced by both the parties.

3. Appellant submitted that his valuable time is wasted in pursuing the said application and on that ground he has prayed for invoking penal provision.

4. The Advocate of Respondent PIO submitted that in pursuant to the order of his commission they have now furnished point wise information to the appellant . He further submitted that though the Respondent No. 1 could not understand and deciper the meaning of the original RTI Application dated 24/2/2016, the Respondent No. 1 PIO tried his level best to glean out the meaning of the application and according replied the same.

He further submitted that there was no malafides on his part and prayed for the dropping o f the proceedings .

6. I have duly considered the submissions made by both the parties and also scrutinized the available record of the file. The records shows that the application of the appellant filed u/s 6(1) of RTI Act dated 13/2/16 was not responded at all by he Respondent PIO. There is nothing placed record by the Respondent nO. 1 PIO to shows that the order of the FAA was complied by him.

7. The conduct of the PIO is further evident from the lack of participation in the appeal proceedings before this commission.

8. In the reply to the showcause notice, the respondent PIO did not give any justification or explanation for not responding to the application of the appellant within time as required u/ 7(1) of RTI Act and for not complying the order of the FAA and for not appearing before this commission and for nor filing reply to the appeal proceedings. The conduct of the Respondent nO. 1 PIO is herein condemnable.

9. In the above given circumstances this Commission hold that no cogent and convincing justification is given by Respondent PIO to prove his bonafieds.

Hence following order.

ORDER

a) The PIO, i.e. the Respondent No. 1 Shri P.B.Kankonkar herein shall pay Rs.2,000/- (Two Thousand Only) as penalty.

b) The aforesaid total amount payable as penalty shall be deducted from the salary of the PIO in two equal installments and the penalty amount shall be credited to the Government Treasury. The deduction will start from the month of July 2017.

Penalty proceedings dispose off accordingly. Pronounced in open proceedings. 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.

Sd/-
(**Ms. Pratima K. Vernekar**)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa