

GOA STATE INFORMATION COMMISSION

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

Penalty 37/2016
In
Appeal No. 61/SIC/2014

Shri Bijou Godinho
H.No. 74/B, Nagvaddo,
Betalbatim, Salcete Goa.
V/s.

.....Appellant

1. First Appellate Authority
Block Development officer,
Of Salcete, Margao Goa.

2. Public Information Officer
Secretary, Village Panchayat of Betalbatim,
Office of Village Panchayat Betalbatim,
Salcete Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 03/08/2017

ORDER

1. This commission , vide order dated 28/9/2016 , while disposing the above appeal, had directed the respondent No.1 PIO to provide the information at point(a) and (c) free of cost as sought by the appellant vide his letter dated 4/4/14 and also had directed PIO , to show Cause as to why penalty ,and disciplinary proceedings should not be initiated against him for not providing required information within stipulated time .In view of the said order passed by this commission, on 28/9/16, the proceedings stood converted into penalty proceedings .
2. In pursuant to the show cause notice dated 13/10/16 , the present PIO Shri Elvis Figueiredo filed his reply on 9/11/16 interalia

submitting that the information sought by the appellant is already provided to him vide their letter dated 24/8/16 and 31/10/16 . The said reply was supported by the said letters.

3. The then PIO Shri Edvin carvalho filed his reply on 11/4/17 and on 6/7/17 along with supporting documents . vide said replies ,the then PIO has contended that he has complied the order dated 5/6/14 of the FAA and has furnished the information to appellant vide letter dated 10/6/14 .
4. It is further contention of Shri Edvin Carvalho that appellant had filed earlier applications dated 4/1/14 and 20/2/14 and in pursuant to those applications due information has been provided to the appellant on 28/1/14 and 28/3/14 .It is further contention that there was no malafides on his part in delaying the information .
5. The copies of the replies could not be furnished to the appellant on account of his continuous absence .
6. On scrutiny of the records , it is seen that the application of the Appellant was not responded by the PIO Shri Edvin carvalho within 30 days as was required u/s 7 of the RTI Act . The information came to be furnished to the appellant only after the order of First appellate authority on 10/6/14 . In the said reply it was informed to the appellant that information at point (a),(b) and (c) not found on record .
7. The present PIO Shri Elvis Figueiredo vide his letter dated 24/8/16 and 31/10/16 have provided complete information in respect of the application of the Appellant dated 4/4/14 and all his queries of the appellant have been clearly replied by the said PIO and copies of documents have been also provided to the Appellant .
8. The present PIO have furnished the point wise information based on records as such it appears that the stand taken by then PIO Shri Edvin carvalho that "information is not found on record" appears to have been given casually , without verification of the records . The then PIO have also not assigned any reasons for not responding the

application of the appellant within 30 days. The Act of then PIO is condemnable.

9. Since there is nothing brought on record by the Appellant , that the such lapses on the part of then PIO Shri Edvin Carvalho is persistence , a lenient view is taken against him in the present proceedings.
10. The Then PIO Shri Edvin Carvalho is hereby directed to be vigilant hence forth while dealing with the RTI matters and any such lapses in future will be viewed seriously .

Penalty 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 against this order under the Right to Information Act 2005.

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