

# GOA STATE INFORMATION COMMISSION

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

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Penalty 43/2016  
In  
Appeal No.38/SCIC/2015

Mr. Manual Gracias,  
H.No. 9-B/C,  
Chauri, Canacona, Goa.

..... Appellant

## **V/s.**

1. The Director of Urban Development,  
First Appellate Authority, Under the RTI Act,,  
Panaji Goa.
2. Public Information Officer,  
Chief Officer of Canacona Municipal Council,  
Canacona Goa.

..... Respondents

## **CORAM:**

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

**Decided on: 31/07/2017**

## **ORDER**

1. While disposing the Appeal No. 38/15, this commission by an order dated 24/10/16 had directed PIO to furnish complete and correct information to the Appellant ,had directed PIO to file an affidavits regarding the time and dates of efforts made to trace the file/documents and action taken against the responsible staff. Vide said order this commission had also issued show Cause notice to the PIO u/s 20(1) and 20(2) of the RTI Act,2005 . In view of the said order passed by this Commission on 24/10/2016, the proceedings stood converted into penalty proceedings.
2. In compliance of the order of this commission, the PIO Shri Kedar Naik filed Affidavit on 28/11/16submitting the steps taken by him /efforts taken by him in tracing the file .The said affidavit is also supported by the relevant documents. The PIO has also issued showcause notice to the concerned staff of their office and also filed missing report of the said file with the Canacona police station .In

addition to the said affidavit , he also filed reply to the show cause notice . vide said reply he has contended that he had taken the charge as a PIO only on 19/9/16 and in compliance with the order of this commission dated 24/10/16, he has taken necessary steps to reconstruct the file and has taken steps to initiate action against the staff who was responsible for such negligence .

3. Shri Pundalik Khorjuvekar filed his reply on 17/5/ 17 thereby contending that he was not holding the charge when the applicant had filed the application under RTI Act and that he was holding the additional charge of Canacona Municipal council for period 11/4/16 till 17/5/16 .
4. The then PIO Shri Sudin Natu filed his reply to the show cause notice on 27/3/2017. Vide said reply he has admitted that he was holding the charge of PIO when the subject matter of present petition was filed on 18/7/2014. He had further contended that information which was available was given to he appellant on 20/10/2014. He had further submitted that the delay cause in giving the information due to the fact that the records sought was required to be traced. He further contended that the dealing hand dealing with RTI matters processed the said application only on 2/9/2014 after the lapse of considerable time as such there was delay in replying he same. He further contended that after the order of first appellate authority he carried out thorough search and tried to go into the cause of such missing file and that had issued necessary memorandum to the dealing hand and dealing hand on 28/1/2015 informed to the appellant that files was not found. In the nutshell the PIO has submitted that there was no malafides and intentional delay on his part.
5. The PIO is bound to furnish the information as available on record of Public Authority. There is sufficient evidence brought on records vis-a-vis the documents that the PIOs has taken necessary efforts in tracing the said file. Hence i am convinced and satisfied with the

reasons given by the PIOs in their reply and as such the showcause notice dated 23/11/2016 stands withdrawn .

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