

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

Penalty Case No.33/2017

In

Appeal No. 189/ 2016

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

...Appellant

V/s.

1. Shri P.B. Kankonkar,
Public Information Officer,
Village Panchayat St. Estevam,
Post St. Estevam Tiswadi Goa.

....Respondent

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

ORDER

1. while disposing the appeal this commission vide order dated 12/5/17 had directed the Respondent . PIO to comply with the order passed by FAA dated 16/6/2016 in respect of his application dated 13/2/16 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 First appellate authority (FAA).
2. In pursuant to the Showcause notice dated 30/5/17 Advocate E. Herelia appeared on behalf of then PIO Shri P.B.Kankonkar who filed reply on 8/6/17. The copy of the reply was furnished to the appellant.
3. Arguments advanced by both the parties.

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

4. The Advocate for Respondent PIO submitted that in pursuant to the order of this commission they have now given point wise information to the appellant . He further submitted that though the Respondent No. 1 PIO could not understand the meaning of the RTI Application, he tried to glean out the meaning of the application and according replied the same.
5. He further submitted that there was no malafide on this part and prayed for the dropping of the proceedings .
6. I have scrutinize the available record in the file and submission made both the parties.
7. The records shows that the application of the appellant dated 13/2/16 was not responded within time of 30 days . The same was responded on 20/4/16 . There is a delay in responding the said application. The said reply dated 20/4/16 was given in very casual manner without proper addressing the appellant and did not show or specified the date of the application to which the said reply was given. Nothing placed on record by the Respondent PIO to shows that the order of the FAA was complied by him.
8. The conduct of the PIO is further evident from the lack of participation in the appeal proceedings . The PIO Shri Kankonkar did not bother to appear before this commission during the appeal proceedings.
9. The reply to the showcause notice doesn't give any justification or explanation for not responding to the application of the Respondent within time as required u/ 7(1) of RTI Act, for not complying the order of the FAA and for not appearing before this commission and for not filing reply to the appeal proceedings. The conduct of the Respondent PIO is herein condemnable. However considering this is as a first lapse of his part and as nothing

brought on record by the appellant to show that such lapse is persistence on the part of the Respondent, lenient view is taken in the matter,

In the above given circumstances following order is passed.

Order

The Respondent PIO Shri Kankonkar is directed to be vigilant hence forth while dealing with the RTI matters and if any lapses in future on his part will be viewed seriously.

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

