

GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

Penalty Case No. 09/2014

In **Appeal No. 184/SCIC/2012**

Shri Laximan Vithal Naik Govekar

R/o. H. No. A-71, Ambekhan

Verem, Reis Magos, Bardez, Goa

...Appellant

V/s.

1. Mamlatdar of Bardez Taluka/ Public Information Officer,
Mapusa, Bardez-Goa
2. Smt. Neetal Amonkar,
Then Joint Mamlatdar of Bardez Taluka-III/
AERO for 7-Saligao Constituency,
(03/03/2008 to 10/06/2012), Mapusa, Bardez-
Goa.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 29 /11/2017

ORDER

1. The Commission vide interim Order dated 26/08/2014, had issued show cause notice under section 20 of the Right to Information Act to Smt. Neetal Amonkar for having failed to supply information.
2. Accordingly notices were issued by this Commission on 27/05/2014 and after appointment of this Commission on 13/09/2017. In pursuant to the notice issued to her dated 13/09/2017. Ms. Neetal Amonkar appeared and filed reply on 2/11/2017.
3. Appellant was represented by Advocate Vilas Goltekar, who submitted that till date he has not received the information.

4. The Respondent vide her reply have submitted that no direction were issued against her by First Appellate Authority (FAA) and the direction were issued to the Mamlatdar of Bardez. She further contended that she has been impeded as party in the capacity as AERO, of Saligao Constituency. She further contended that she was holding the post of Joint Mamlatdar of Bardez and she was promoted as Under Secretary (Home) on 5/07/2012. She therefore prayed to dropped the penalty proceedings under section 20 of Right to Information Act.
5. On perusal of record, it is seen that the application dated 24/04/2012 was transferred to Respondent No. 2 on 23/05/2012, which was duly replied by her on 18/06/2012, within mandatory period of 30 days of the receipt of the same. Similarly, she was not officiating as PIO when initial application dated 29/02/2012 was filed by the Appellant. She submitted that, she was posted as Mamlatdar of Bardez Taluka by order dated 7/06/2012 and was promoted as Under Secretary (Home) by order dated 5/07/2012. She submitted that she was not officiating as PIO on the day of the Order of FAA. She has relied upon the relevant documents in support of her said contentions.
6. It is grievance of the Appellant that Mrs. Neetal Amonkar has not followed the proper procedure in deleting his name. The functions of PIO under Right to Information Act 2005 and that of AERO are distinct. As PIO it is duty to provide/disseminate the information subject to exception provided under section 8 of RTI Act 2005. The PIO can only be penalize if he is not diligent in duty under RTI Act and not otherwise. The above grievance of the Appellant cannot be considered by this Commission as this

Commission is not empowered to deal with such issue. Appellant if so desire can agitate such issue before the appropriate forum.

7. This Commission in appeal bearing No. 184/SIC/2012 has directed PIO to furnish the information to the appellant at point No. 1 and 3 which was sought by him vide application dated 29/02/2012 as such the said grievance of appellant that he has not received information is laid at rest now.
8. Considering the facts of the case, I find the explanation given by Smt. Netal Amonkar is convincing and probable. I find no ground to impose penalty against her.
9. In the result, Showcause notice dated 27/05/2014 and 13/09/2017 by this Commission vide order dated 26/08/2014 in the present proceeding 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

Kk/-

