

GOA STATE INFORMATION COMMISSION

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

**Penalty 17 of 20 17
In appeal 81/SIC/2016**

Mrs. Veena kakodkar,
R/o 'Shyam',
Kakoda Curcholem Goa.

..... Appellant

V/s.

1. Public Information Officer
Sarvodaya Education Society High School,
Curcholem Goa.
 2. The Dy. Director of Education,
& First Appellate Authority,
South Education Zone,
Margao Goa.
- Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 23/06/2017

ORDER

1. While disposing the appeal No. 81/16 by an order dated 1/3/17 this commission had directed Respondent No. 1 PIO to furnish the information as sought by the appellant, vide her letter dated 23/11/15 within 15 days from the receipt of the order and also had issued show cause notice to the Respondent PIO u/s 20 of RTI Act and sought explanation as to why penal action should not be initiated against him.
2. In pursuant to the notice dated 3/4/17 the appellant was present in person. Respondent No. 1 Shri Laxmikant Shikerkar present along with Advocate A. Kakodkar.
3. Reply filed by the respondent No. 1 PIO on 3/4/17 and also additional reply on 5/6/17 thereby enclosing the information.
4. The advocate for the respondent submitted that the order of this commission has been complied at point No. 1 and due information

have been provided to the appellant by the covering letter dated 5/6/17. The advocate for the respondent submitted that the seniority list was available with management and not in his custody. He further submitted that he was requesting the management to furnish the information however the management failed to provide the same as such he was unable to furnish the same to the appellant in time.

5. Appellant submitted that there is delay in furnishing the information and lots of hardship caused to her. She further contended that she was contestent for the post principle and great injustice has been done to her. It was her further contentions that she had sought said information as it was required by her to redress her grievances with competent authority and due to delay in furnishing her said information, an irreparable loss has been caused to her and on that ground she prayed for invoking penal provision.
6. Though the respondent PIO contended the information was with management, he did not support his said contention with any substantive evidence. He also did not place on record any correspondence made by him with management of said school. He was also unable to explain the delay of two months in responding the application u/s 7(1) of RTI Act. So also he was unable to explain the steps taken by him in further in compliance of the order of the FAA. The application was made by the appellant on 23/11/15 and the information is furnished to the appellant only in June 2017. The appellant has been made run from pillar to post in seeking the said information.

If the correct and timely information provide to the appellant, it would have saved valuable time and hardship caused her in perusing the matters before the different authority. It is quite obvious that the appellant has suffered lots of harassment and mental tourcher and agony in seeking information. If PIO had

given prompt and correct information such harassment and detriment could have been avoided.

7. Considering the above conduct, I find that the PIO has malafide and without any reasonable cause persistently has failed to furnish the information within the time specifies under sub section(1) of section 7 of the act and has thus malafide denied the request for information. Thus I am convinced and is of the opinion that this is a fit case for imposing penalty on the PIO.

In view of above following order is passed.

Order

1. The Respondent PIO herein shall pay an amount of Rs. 2000 as penalty.
2. A aforesaid amount as penalty shall be credited to the Government treasury. Within a month from the date of the receipt of the order.
3. The copy of order is sent to the Directorate of Account, South for information and implementation,

Penalty proceedings disposed accordingly.

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.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa

