

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Penalty No.10/ 2016.**  
**In**  
**Appeal No. 25/SCIC/2016**

Mrs Savitri L. Candolkar,  
Vady, Candolim,  
Bardez-Goa. .... Appellant.

**V/s.**

1) The Public Information Officer,  
Mr. Madhu G. Narvekar,  
Mamlatdar of Bardez,  
Mapusa, Bardez-Goa.. .... Opponent

**CORAM :** Shri. Prashant S. P. Tendolkar ,  
State Chief Information Commissioner  
Smt. Pratima K.Vernekar,  
State Information Commissioner

**Passed on 23/01/2016**

**O R D E R**

1. This commission, while disposing the above appeal on 1/7/2016, directed the PIO Mamlatdar Bardez Shri Madhu Narvekar to furnish the information sought within three weeks from the date of receipt of the said order and also to show cause as to why action as contemplated u/s 20(1) and 20(2) of the Right To Information Act 2005 (act), should not be initiated against him.

2. The said order was served on the concerned PIO Shri Madhu Narvekar on 15/7/2016 by registered A/D. In spite of said notice the concerned PIO failed to remain present and as such another notice for appearance was served on him through the inward section of the Office of Mamlatdar Bardez.

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3. In spite of service of the order on the PIO and reminder by notice, dated 22/9/2016, the concerned PIO persistently failed to even appear before the commission and to show cause as to why such action should not be taken against him.

4. On 15/11/2016 the appellant submitted that inspite of the order of the commission the PIO has not furnished the information as was directed. In support of his said contention the appellant on 13/12/2016 filed his affidavit. The PIO has remained continuously absent and the averments as contained in the said affidavit are not rebutted.

5. We have perused the records and also considered the affidavit filed by the appellant. It is seen from the records that initially the information as was furnished was incomplete and thereafter the PIO, inspite of the order of the first appellate authority has failed to furnish the information to the appellant. The appellant has therefore filed this second appeal.

6. In spite of several opportunities the PIO failed to appear before the commission, though the first appellate authority had attended. The appeal therefore had to be disposed in the absence of the PIO. Accordingly this Commission has directed PIO to furnish the information as was sought.

7. Now again inspite of the order of this commission the PIO has not only failed to furnish the information but also failed to file any say on the notice. In view of his said attitude we hold that the PIO has no explanation to offer.

8. Considering the above conduct of the PIO and persistent default on the part of PIO in furnishing the information inspite of the order

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of this commission, we have no hesitation to concur with the contention of appellant that the PIO without any reasonable cause has not furnished the information. In not complying with the order of this commission also, without any reasonable cause, the PIO has persistently failed to furnish the information. We therefore hold the PIO liable for penalty under section 20(1) and also 20(2) of the Act.

9. Considering the above circumstances, and in exercise of our rights under section 20(1) of the Right to Information Act 2005, we hold the PIO liable to pay penalty of Rs.250/-per day for the delayed period. Even with a conservative approach we consider the delayed period from the fourth week from the date of receipt of the order of this commission by the PIO i.e. on 15/7/2016 the delay works out to be about 155 days. Thus the total amount works out to be about Rs.38500/-. However with a further conservative approach we reduce it to **Rs.20000/-**(Rupees twenty thousand only). The said amount of penalty shall be deductible from salary of the PIO, Shri Madhu Narvekar, Office of Mamlatdar Bardez, in two monthly installments of Rs.10000/- each starting from the month of February 2017.

10. Considering the above conduct of the PIO, Shri Madhu Narvekar in persistently failing to comply with the requirements of the act as above we find it appropriate and accordingly in exercise of our rights under section 20(2) of the Right to Information Act 2005, we recommend for disciplinary proceedings against PIO Shri Madhu Narvekar, Mamlatdar Bardez, under the service rules applicable to him.

11. For the purpose of implementation of this order,

a) Issue letter to Director of Accounts to deduct the said sum

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of Rs.20000/-as above from the salary of PIO, Shri Madhu Narvekar and report compliance to this commission.

b) Issue letter to Collector North Goa to direct disciplinary action against the PIO Shri Madhu Narvekar as per the service rules applicable to him.

A copy of this order be also sent to i) secretary Personal, Personnel Department, Govt. of Goa, Secretariat Porvorim. (ii) The Chief Secretary, State of Goa, Secretariat, Porvorim –Goa.

Parties to be intimated.

Pronounced in the open proceedings.

Proceedings closed.

Sd/-

**(Mr. Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa

Sd/-

**(Ms. Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission  
Panaji-Goa