

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

Appeal No.176/2016

Smt. Shamala S.Kadam, @ Rashmi E.More,
Ajinkya Bungalow,
Post Dhamani ,Tal. Sangameshwar,
District Ratnagiri,
Maharashtra.

....Appellant

V/s.

1.Public information Officer,
Civil Registrar Cum Sub Registrar,
Salcete Taluka,
2nd floor New Collectorate Bldg.
Margao Goa,

2.First Appellate Authority,
State Registrar Cum Head of Notary Services,
7th floor, Shram Shakti Bhavan,
Patto Panaji Goa.

.....Respondents

Appeal filed on: 8/09/2016

Decided on: 12/04/2017

ORDER

1. The brief facts of the case are that appellant Smt Shamala S. Kadam, @ Rashmi E.More by application dated 8/02/1016 sought certain information from Public Information Officer (PIO), Civil Registrar cum sub Registrar, Salcete Taluka on 3 points as stated there in the said application. The Respondent no. 1 PIO replied the same on 24/02/16, thereby providing the part of the information.
2. Being not satisfied with the reply of the Respondent No. 1 PIO the appellant approached the State Registrar cum

Head of Notary services who is Respondent No.2 herein on 17/03/16 being First Appellate Authority (FAA). And the Respondent No. 2 FAA passed an order on 27/05/2016 directing the Respondent no. 1 PIO to furnish the information if available, sought by the appellant from the date of computerization of the office and as regards the manual records the appellant was instructed to visit the office of respondent and carry out the inspection of the records.

3. Since there was no response from Respondent no. 1 PIO after order of FAA, the appellant has abundant Caution issued reminder to Respondent No. 1 PIO on 8/8/2016. The same was replied by the Respondent No. 1 PIO on 20/07/2016 there by calling upon the Appellant to personally visit their office for the search of the records.
4. Being aggrieved by the action of Respondent No. 1 PIO and as order of FAA was not complied, the appellant approached this Commission by way of second appeal u/s 19(3) of the RTI Act on 8/09/16 with the prayer for direction as against Respondent No. 1 PIO for penal provisions and for furnishing information. In pursuant to notice the appellant appeared in person. Respondent No. 1 represented by Chandrakant Pissurlekar. Respondent No. 2 represented by Rakhi Naik along with their Advocate Harsha Naik.
5. In the course of the hearing the Respondent No. 1, PIO showed his willingness to furnish the information to the appellant.
6. Appellant also agreed to collect the information on or before 7/04/17 by visiting the office of the Respondent.
7. On the subsequent date of hearing the advocate for the appellant submitted that appellant has visited the O/o Respondent and the copies of the information are

submitted to her after inspection of record and that the information furnish to her is as per her requirement and satisfaction and as such the appellant is not pressing for the penal provision. The appellant who was also present affirmed the said fact and placed her affidavit in support of her contention on record.

8. Since the information is already furnished to her the prayer (i) become in fructuous.
9. In view of the submissions made by the appellant and the affidavit placed on the record nothing survives to be decided in the present appeal.
10. Appeal disposed accordingly.

Pronounced in open proceedings.

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/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

BEFORE THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.

Penalty 19/2017 In
Appeal No.116/2016

Bharat L. Kandolkar,
Vady, Candolim,
Bardez Goa.

....Appellant

V/s.

1. Public information Officer,
North Goa Planning and Development Authority,
Mala, Panaji Goa

2. First Appellate Authority,
The Chairman,
North Goa Planning and Development Authority,
Mala, Panaji

Goa.

.....Respondents

Decided on: 26/04/2017

ORDER

1. While disposing the appeal no. 116/SCIC/2016 the Commission had issued showcause notice to Respondent PIO as to why the penalty action should not be taken against PIO for not responding application under section 6 (1) of the Right to Information Act 2005 (RTI Act).
2. The appellant submitted that the respondent have miserably failed to comply with the order of the FAA within time and the information came to be furnished to him after 10 months. Advocate for the appellant submitted that heavy cost to be imposed on PIO for dereliction of his duties. It is submitted by respondent PIO that though the information was ready on 28/04/2016 to be supplied

to the appellant as per the records of their office outward date. Which remain inadvertently in their office. The respondent requested this commission to condone said delay and tendered unconditional apology.

3. The Respondent PIO have admitted that there was delay in furnishing the information. The appellant have contended that at para 2 that information was not furnished within time as case was under scrutiny and the information was not available with authority. However nothing substantiating the same produce on record by the PIO. Assuming for a while that the case was under scrutiny, the PIO ought to have informed the appellant regarding the said facts.
4. Though the Appellant submitted that the information was ready on 28/04/2016. The covering letter and outward register have not been enclosed to the reply.
5. In other words the PIO have not given proper justification for not responding application of the appellant filed under section 6(1) and have not sufficiently explain the delay in providing information after the order of FAA.
6. Since this is 1st lapse on the part of PIO before commission. And keeping in view of unconditional apology on the part of petition. I find that fine of Rs. 2000/- will meet the ends of justice.
7. Since the above given circumstances following order is passed.
 - a) The Respondent is hereby directed to pay penalty of 2000/- and hereby directed to be vigilant hence forth.
 - b) Aforesaid total amount shall be deducted from salary in one installment and the amount shall be credited to the Government treasury.

c) Copy of the order to be sent to the Director of Accounts, North Goa, Panjim for information and implementation.

Pronounced in open proceedings.

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/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa