

GOA STATE INFORMATION COMMISSION

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

**Shri Prashant S.P. Tendolkar, State Chief
Information Commissioner,**

Complaint No.06/SCIC/2017

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.II,
Khorlim, Mapusa-Goa.

.... Complainant

V/s

1. The Public Information Officer,
The Admn. Of Comunidade of North,
Mapusa, Bardez –Goa.
- 2) The First Appellate Authority,
Additional Collector II,
Collectorate Building,
Panaji –Goa.

.... Respondent

Filed on:21/03/2017

Decided on:28/06/2017

O R D E R

1) The complainant herein has approached this Commission with this complaint u/s 18 of the Right to Information Act 2005 (Act for short).The grievance of the complainant is that by his application, dated 24/10/2016, filed u/s 6(1) of the act he sought certain information from the PIO. The said application was not responded to by the PIO within time as required u/s 7(1) of the act.

The complainant has filed on record the copy of the said application dated 24/10/2016, filed u/s 6(1) of the act received by the office of Public Authority i.e. Administrator of Comunidade on 27/10/2016.

...2/-

2) As the said application was not responded by PIO he filed first appeal to respondent No.2, being the first appellate Authority (FAA). The said appeal was received by FAA on 09/12/2016, but according to the complainant the same is not heard and decided within the period of 45 days as is mandatory and hence the complainant has approached this Commission with this complaint u/s 18 of the act. The Complainant has filed the copy of the appeal memo filed in first appeal.

3) Based on the complaint notice was issued on 18/04/2017 to show cause as to why action as provided u/s 20(1) and/or 20(2) should not be initiated against the PIO copy of the same was also sent to FAA. Such notices were issued to the PIO by post and to the FAA by personal delivery at the inward. The same were received by then on 24/04/2017 and 21/04/2017 respectively. Another copy of the same notice was also served personally by the complainant in the office of the PIO on 04/05/2017. Said notice was also directed to be served on the then PIO in case the concerned PIO was transferred.

4) In spite of service of notice the PIO as also the FAA failed to appear nor filed any reply as was called upon by said notice, dated 18/04/2017.

5) In view of the conduct of the PIO by not showing any cause by filing any reply as to why the penalty u/s 20(1) and/or 20(2) should not be granted, I hold that the PIO has no explanation to be offered and to show as to why said penalty should not be imposed and that he/she is not rebutting the contentions of complaint.

6) I have perused the records. I have also considered the pleadings of the complainant in the complaint. Said pleadings

and contention are not rebutted by PIO. In the circumstances I hold that the contention of the complainant as true.

7) Section 7(1) of the act requires the PIO to respond any application filed by seeker of information u/s 6(1) of the act, within 30 days from the date of receipt of the application. This response can be either in the form of furnishing information or by rejecting the same with reasons. The PIO herein has not responded to the said application of complainant, dated 24/10/2016 either by furnishing information or rejecting the same on any grounds.

8) The PIO has not furnished any reasons for not responding the said application, dated 24/10/2016 in time. In view of non furnishing the information in time without any reasonable cause, the PIO is liable to be penalized by directing him to pay penalty at the rate of Rs. 250/- per day of delay, subject to a maximum amount of Rs.25000/- is payable by the PIO. The said penalty is quantified at Rs.15000/-.

9) In the absence of any reasonable grounds for not responding the application within time, I hold that this is a fit case for imposing penalty on the PIO in terms of section 20 (1) of the Act.

10) The Complainant has also prayed for ordering disciplinary proceedings against the PIO in terms of section 20(2) of the Act. However complainant has not pointed out any persistent default on the part of PIO in delaying the information. Hence I find that the penalty u/s 20 (2) cannot be invoked.

11) In the facts and circumstances, I order and direct the concerned officer of the office of Administration of Comunidades North Zone, Mapusa –Goa, functioning as Public

Information officer(PIO), during the period from 27/10/2016 to 28/11/2016 to pay a sum of Rs.15,000/- (Rupees fifteen thousand only) as penalty. The said amount shall be deducted from the monthly salary of concerned PIO in three equal monthly installments of Rs. 5000/- each starting from July 2017.

12) For the purpose of facilitating deduction, the Administrator, office of Administration of Comunidades, North Zone Bardez, Mapusa, Goa is hereby directed to furnish to the Directorate of Accounts the name, designation and other required details of the concerned PIO of the said office, functioning during said period from 27/10/2016 to 28/11/2016 to enable it to recover the said amounts.

Copy of this order be also sent to the **Director of Accounts, Government of Goa** as also to **Administrator, office of Administration of Comunidades, North Zone Bardez, Mapusa –Goa**, for information and compliance.

Parties to be notified.

Proceedings closed.

Pronounced in open proceedings.

Sd/-

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