

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**

**Penalty No. 8 /2017
In Appeal No. 99/SIC/2014**

Miss. Vidhya M. Desai (Advocate),
R/o. H.No. 214, Yamuna Apt., G/F,
Sirvordem, Margao, Salcete-Goa

.....Appellant

V/s.

The Mamlatdar of Salcete,
Public Information Officer (PIO),
under RTI Act 2005,
1st floor, Collectorate South Building,
At Margao-Salcete, Goa ...Respondent

Decided on: 19/05/2017

ORDER

1. While disposing of the appeal by order dated 25/01/2017, this Commission had directed Respondent No. 1 Public Information Officer (PIO), Mamlatdar of Salcete, Margao to comply with the order of FAA dated 20/06/2014 within 3 weeks from the date of receipt of the order and was directed to report compliance alongwith the acknowledge card within 10 days thereafter. In the same order this Commission also issued notice under section 20 (1) under Right To Information Act 2005 (RTI Act 2005) and also under section 19(8)(b) of RTI Act and also seeking reply from the Respondent PIO to showcause as to why the penalty and compensation prayed for by the appellant should not be granted.
2. In pursuant to the showcause notice dated 6/02/2017 , the appellant appeared in person. Respondent PIO Shri Vishal Kundaikar appeared and filed his reply to showcause notice on 17/04/2017. The Respondent PIO also furnished the copy of award passed in case No. 3/35/81-LAO in compliance to the directions issued by this Commission.

3. The Appellant also filed application on the said day there by praying to implement Commissioner's order dated 25/01/2017 at (b) and (c).
4. Arguments of both the parties heard. During hearing the appellant submitted that the Respondent PIO not complied with the honorable Commissions Order dated 25/01/2017 within stipulated time and has not provided the information within 3 weeks and thereby defided the order of this Commission. She prayed for stunt action against the Respondent PIO inorder to serve as an example for deterrence on the prospective and like minded PIO's.
5. It is contended by Respondent PIO that the documents were already furnished to the Appellant which were in possession of the Office of the Mamlatdar. It was further contended that as per direction of this Commission, he had written letter to the Deputy Collector and then Acquisition Officer, Panjim-Goa to provide award copy to the Appellant and accordingly after seeking the same from concern office he provided copies of the award to the Appellant.
6. I have perused the records and also considered the arguments of respective parties it is seen that to the application filed by appellant under section 6(1) of the Act the PIO has not bothered to reply the same leave aside furnishing the information. In the 1st appeal filed before FAA the observations have been reflected in the said order that the Respondent remained absent and despite of giving opportunities to Respondent they failed to appear neither filed reply with the First Appellate Authority (FAA). The FAA then passed the order after hearing appellant, directing Respondent PIO to furnish the copy of the award and form IX after hearing the Appellant to the Appellant within 15 days from date of disposal of the Order.
7. The order dated 20/06/17 passed by FAA were not complied by the Respondent No. 1 within time. And that no copy of the award and form 9 was furnished to the appellant.
8. Though order was passed by FAA on 20/06/2014, the record shows that Respondent PIO made letter to Deputy Collector

and Land Acquisition Officer, Panjim only in the year February 2016 and that too when the direction were issued by this Commission. The Respondent have not produce any record to show that any efforts were taken by him in securing the said copy of information in compliance to the order of FAA. The letter dated 12/02/2016 only came to be made during the course of present proceedings. There is delay of about more then 200 days in providing the information. The Respondent PIO have not justified the delay in supplying the information to the Appellant. As there was direction from the FAA to furnish information within 15 days, the Respondent PIO was suppose to furnish the same some where between 7/07/14. The Commission by an Order dated 25/01/2017 have also given 3 weeks time to furnish the information from receipt of the Order. The Order was dispatched by the Registry of this Commission on 7/02/2017 as such the Respondent PIO ought to have furnish the information by March. However the record shows that the information is furnished to the Appellant only on 17/04/2017. The PIO have also not place on record the letters made by him to Deputy Collector and Land Acquisition Officer to show his bonafides reason for delay have not been explained sufficiently visa vis the documents.

9. Considering the above conduct I find that the PIO has without any reasonable cause has failed to furnish information within time as specified under section (1) of section 7 of the Act and has thus malafidely denied the request for information.

I am of the opinion that the PIO has without any reasonable cause persistently have not furnish information inspite of the order of FAA. The Justification given by the PIO is not convincing and justified properly. As such I find the case where the request of appellant for the grant of penalty and compensation is genuine.

10. In the above given circumstances, I pass the following order:-

O R D E R

- a) The Respondent No. 1 PIO, Shri Vishal Kundaikar shall pay to the Appellant sum of Rs. 3000/- as compensation for causing her hardship, mental torture and agony in seeking the information.

- b) The aforesaid total amount payable as compensation should be deposited in this Commission for the onward payment to the Appellant within month.
- c) And the PIO shall intimate the appellant about depositing this amount with Commission. And the appellant is hereby directed to collect the same within 15 days there after.

Notices pertaining to penalty under 20(2) for initiating departmental inquiry is withdrawn.

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 under the Right to Information Act 2005.

Sd/-

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

KK/-fn