

**GOA STATE INFORMATION COMMISSION**  
Kamat Tower, Seventh Floor, Patto Panaji-Goa

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**Second Appeal No: 63/2018/SIC-I**

Ramesh S. Kerkar,  
House No. 3/15,  
Muddawaddi, Saligao,  
Bardez, Goa – 403 511

..... **Appellant**

**V/s**

- 1) Prajakta D. Goltekar,  
Block Development Officer,  
Bardez, Mapusa, Goa.
- 2) Vijay Kinalkar  
Village Panchayat Secretary,  
Saligao, Bardez,  
Goa – 403 511

..... **Respondents**

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

**Filed on: 16/03/2018**

**Decided on: 7/08/2018**

**ORDER**

1. The appellant Shri Ramesh Kerkar by letter dated 27/11/2017, filed u/s 6(1) of the Right To Information Act, 2005 requested Respondent No. 2 Public Information Officer (PIO) of Village Panchayat of Saligao, Bardez -Goa certain information on 9 points as stated therein .
2. It is the contention of the Appellant that Respondent No. 2 partly replied and partly furnished information to its application dated 27/11/2017 and therefore he being not satisfied with the reply of Respondent No. 2 Public Information Officer (PIO) preferred first appeal before the Block Development Officer (BDO) on 5/01/2018 being First Appellate Authority (FAA) who is the Respondent No. 1 herein and the Respondent No. 1 FAA by an Judgment dated 26/02/2018 directed Respondent PIO to allow the appellant to inspect the records concerning his RTI application dated 27/11/2017 within 5 days of the order and

there after appellant is requested to put his request in writing to the PIO regarding the documents which he desires to obtain and then the respondent was directed to furnish the information within 7 days as desired by the appellant on the receipt of such request, free of cost.

3. According to the appellant after the order of the FAA, he received the letter dated 27/02/2018 from Respondent No. 2 PIO calling upon him for the inspection of records pertaining to his RTI application on 28/02/2018, 1/03/2018 , 3/3/2018 from 3.00 p.m. to 5 p.m.
4. According to the appellant, the information submitted by Respondent No. 2 PIO to him is incomplete misleading and false. And as such being aggrieved by the action of Respondent No. 2 PIO, the present appeal is filed on 9/03/2018 before this Commission u/s 19(3) of RTI Act, 2005 on the grounds as raised in the memo of appeal.
5. In the present second appeal the appellant has sought for directions as against Respondent No. 2 PIO for providing him information /document sought by him vide his application dated 27/11/2017 and also for invoking penal section.
6. After notifying the parties matter was listed on board and was taken up for hearing.
7. Appellant appeared in person. Respondent PIO Shri Viraj Kinalkar appeared. On behalf of Respondent No. 1 FAA, Shri Umesh Shetgaonkar appeared. Reply alongwith affidavit was filed by Respondent No. 2 PIO on 4/05/2018, 5/06/2018 and 27/06/2018 thereby enclosing the information as sought by the appellant. In the last reply cum affidavit the PIO has given the sequence of the date on which the information came to be furnished and also submitted that all the information has been

provided as per the records available with Village Panchayat Saligao so also from the Advocate appointed by the Panchayat office in various matters.

8. Since the appellant was not satisfied with information which is purportedly furnished to him by then PIO Shri Viraj Kinalkar, the present PIO Miss. Karishma Ghadi once again provided him information which was to satisfaction of appellant.
9. Arguments were advanced by both the parties.
10. Appellant submitted that the PIO though have stated that 28 cases are missing have not lodged any FIR with the Police. He further stated that the information which is provided to him by affidavit by the PIO Shri Viraj Kinalkar at Sr. No. 4 to 7 was incomplete. He further submitted that lots of hardship has been caused to him in pursuing his said application and lots of its valuable time is wasted in getting the said information which was sought by him in the larger public interest. He submitted that he is satisfied with the information provided to him by the present PIO before this Commission on 1/08/2018. However he vehemently pressed for invoking penal provisions as against then PIO Shri Viraj Kinalkar.
11. Respondent submitted that the information has been provided as per the records available with Village Panchayat Saleigao so also from the advocate appointed by the Panchayat office in various matters. She further submitted that besides the above documents there are no other records available with the Panchayat.
12. The public authorities are required to maintain the information and the PIO is designated to furnish the same to the

public/information seeker. In other words the PIO is the custodian of the information and such information is in the registry is required to be dispatched to the applicant/appellant/information seeker unless exempted u/s 8 and 9 of the Act. Since information available in the records of Panchayat have been now furnished to appellant I find that no intervention of this commission is required theretoo. However, the right of the appellant to seek additional information if he so desired is kept open.

13. There is no dispute that then PIO has replied the application of the appellant u/s 7(1) within stipulated time as contemplated under the Act. However it is the grievance of the appellant that he has received incomplete information at the initial stage and also thereafter. It is observed by this Commission that when appellant brought to notice of then PIO Shri Viraj Kinalkar certain facts during the present proceedings pertaining to information furnished by him, the PIO had provided him rectified/corrected information on three occasion before this Commission, which again according to appellant was also incomplete. At last the present PIO Smt Karishma Ghadi provided appellant information once again which was to the satisfaction of appellant.

14. PIO should always keep in mind that their services are taken up by Government to help the people of state in particular and the people of the Country at large and objective and purpose for which the Act came into existence.

15. If the correct and timely information was provided to the appellant it would have saved his valuable time a and hardship caused to him in pursuing said appeal before different authorities. It is quite obvious that Appellant have suffered lots of mental torture and agony in seeking the information under the RTI Act. if

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

16. However since there is nothing on record to show that such lapses on the part of the PIO Shri Viraj Kinalkar is persistent a lenient view is taken in the present proceedings and he is hereby directed to be vigilant henceforth while dealing with the RTI matters and lapses if found in future shall be viewed seriously.

17. The appeal disposed accordingly proceedings stand closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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