

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

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

Appeal No.70/SCIC/2016

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.11,
Khorlim, Mapusa –Goa. Appellant

V/s

- 1) The Public Information Officer,
The Dy. Collector & SDO,
Mapusa, Bardez –Goa.
- 2) The First Appellate Authority,
Additional Collector –I,
North Goa District,
Panaji –Goa. Respondents

Filed on: 26/04/2016

Disposed on: 14/08/2018

O R D E R

1) The appellant herein by his application dated 11/01/2016, has sought information from PIO, the same was responded by PIO on 08/02/2016 informing the appellant that the file is not traceable and that the same shall be furnished after the same is traced. However according to appellant the information was neither furnished nor rejected within thirty days.

2) After exhausting first appeal the appellant has approached this Commission with this second appeal.

3) In the course of hearing on 20/04/2018 the appellant admitted having received the information. This information was furnished by the present PIO as the then PIO was transferred. In view of the receipt of information by appellant, this Commission finds no ground to deal with related prayer for furnishing of information in the appeal.

...2/-

4) The appellant has also prayed for penalty against the then PIO Shri Pundalik Khorjuvekar. He was notified to show cause as to why penalty should not be imposed u/s 20(1) and/or 20(2) of the act, vide notice dated 09/05/2018. Accordingly on 10/07/2018 he filed his say. In said reply it is contended that as on the date of application the concerned file was not traceable it is his further contention that he was the PIO upto 11/04/2016 and that during this period the file could not be traced.

5) Commission on perusal of the record finds that the records pertaining to which information was sought pertain to the year 1996. Thus the records being quite old in all probability they may not be handy or easily accessible. This was the consistent stand of then PIO, who had responded to the application within the statutory period as provided u/s 7(1), on 08/02/2016. The contention of the appellant that the PIO neither furnished the information nor rejected the same within 30 days thus appears to be false. The said application u/s 6(1) was responded and information was not furnished as the concerned files were not traceable.

6) Considering the above circumstances, Commission is satisfied that the response of PIO was not malafide. The penalty u/s 20(1) and/or 20(2) cannot be invoked.

7) In the result the show cause notice dated 9/5/2018 stands withdrawn. Proceedings closed.

Pronounced in open hearing.

Sd/-

(P. S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji - Goa