

GOA STATE INFORMATION COMMISSION

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

Complaint No: 19/2018/SIC-I

Rohit R. Pednekar,
Suite No. G-F-1,
Holy family Bldg, Near Skating and
Volleyball Court,
Alto Porvorim, Goa – 403 521

..... Complainant

V/s

1) The P.I.O,
O/o Village Panchayat of Pilerne Marra,
Pilerne, Bardez, Goa – 403 114

.....Respondent/ Opponent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 5/04/2018

Decided on: 15/06/2018

ORDER

1. The present Complaint is filed by the Complainant Shri Rohit R. Pednekar on 5/04/2018 against the Public Information Officer (PIO) of Village Panchayat of Pilerne Marra, Bardez-Goa for not responding his application dated 16/02/2018 filed under section 6(1) of Right To Information Act within stipulated time of 30 days.
2. In the present complaint the complainant has sought for invoking penal provisions in terms of section 20 (1) and 20 (2) of RTI Act, 2005 and also sought for compensation of Rs. 5000/- for deliberately denying him the information on the false and malafide grounds thereby causing him mental harassment.
3. In pursuant to the notice of this Commission, the Complainant was present in person. Respondent Shri Peter Martins appeared and filed his reply on 10/05/2018 along with the enclosures. PIO also filed his affidavit and that of Shri Vishal S. Chodankar on 06/06/2018. The copy of the same is furnished to Complainant.

4. Arguments were advanced by the Complainant. Respondent PIO submitted to consider his reply and affidavits as his arguments.
5. The Complainant submitted that he has received the information only after the order of Block Development Officer (BDO) which was given after filing of this present complaint. He contended that the reply dated 20/02/2018 which is relied by the PIO is not received by him till date and that the denial of the information by the PIO that it was not coming u/s 2(f) of Right To Information Act, 2005 was done deliberately with malafide intention. He further submitted that the information at point no. 4 was available with the Public Authority and has been provided to him after the order of First Appellate Authority (FAA). As such it is his contention that the same was deliberately denied to him with intention.
6. Vide reply, the PIO admitted of having received the application of the Complainant dated 16/02/2018. However it is his contention that the said was responded vide their letter bearing no. VP/PM/R.T.I/2017-18/1337 dated 20/02/2018 which was sent by ordinary post. In support of his above contention he relied upon the entry No. 1337 of the outward register dated 20/02/2018, the stamp account register of having posted the said letter on 22/02/2018 and the reply dated 20/02/2018. It was also further contended that the Complainant was also informed telephonically by him that the information is ready and to collect the same and the complainant despite of visiting the Village Panchayat Office did not collect the same. However the above statement of PIO cannot be considered as gospel truth as the same is not supported by any supporting documents.
7. The reply filed by the Respondent PIO appears to be probable and convincing as the said is supported by documentary evidence more particularly the affidavit of Shri Vishal S. Chodankar who has posted the said reply in the sub-post office. As such I find that there is no delay in responding the same.

8. However, on perusing the reply dated 20/02/2018 purportedly given in terms of section (7) of RTI Act, 2005 it is observed that the PIO has given the said reply in casual manner without proper application of mind. The information more particularly at point no. 4 which is furnished to him now could have been given at the initial stage itself. If the correct information was furnished to Complainant he would have saved his valuable time and hardship in pursuing the said matter.
9. Nevertheless as there is nothing brought on record by the Complainant that such lapses on the part of PIO is persistence, as such considering this as a first lapse on his part, a lenient view is taken in the present proceedings and the Respondent PIO is hereby directed to be vigilant henceforth while dealing with the RTI matters. Any such lapses in future shall be viewed seriously.
10. The complainant has also prayed for compensation. Considering the provisions of the Act the same cannot be granted in the present proceedings being a complaint which is beyond the preview of section 19(8)(b) of Right To Information Act, 2005.
11. The complaint disposed accordingly. 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/-

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

Kk/