

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

CORAM: Shri Juino De Souza State Information Commissioner

Complaint No. 27/2017

Mr. Manjunath K. Mudyar,
R/o H/No.92/3,
Dandvaddo, Lane 1,
Drarmapur Sirlim,
Salcete – Goa.

..... Complainant

v/s

The Public Information Officer,
Village Panchayat of Drarmapur Sirlim,
Salcete- Goa.

.....Respondent

Relevant emerging dates:

Date of Hearing : 16-03-2018

Date of Decision : 16-03-2018

O R D E R

1. Brief facts of the case are the that the Complainant has filed an two RTI applications both dated 29/05/2017 and it is the case of the Complainant that the PIO did not furnish him any information within the mandatory period of 30 days and as such he has preferred two separate First Appeals both dated 04/07/2017 and the First Appellate Authority vide a short Order dated 24/07/2017 held that the PIO has failed to furnish the required information and the PIO was directed to furnish information within 7 days at the residence of the Complainant.
2. Being aggrieved that despite the Order of the First Appellate Authority (FAA) complete information has not been furnished Complainant thereafter has approached this Commission by way of Complaint case filed registered on 04/09/2017.
3. Pursuant to the notices dispatched the parties have appeared before the Commission on several previous occasions and the matter with the consent of the parties is taken up for final disposal. During the hearing the Complainant is represented by his Advocate Siddesh G. Goltekar whose Vakalatnama is on record. The Respondent PIO Shri Mohan Gaonkar, Secretary, V.P. Dramapur, Sirlim is also present in person.

4. Advocate Siddesh G. Goltekar submits that at the First Appellate stage, after the Order was passed by the FAA, the PIO has furnished some information which is incomplete and which is why he has filed a Complaint case under Section 18 and has prayed to take disciplinary action against the Respondent PIO for harassment, delay suffered and for any other reliefs.
5. The Respondent present PIO per contra submits that all information as was available has been furnished and there is no other information pertaining to the RTI application available. He files an affidavit confirming the facts dated 15/03/2018 which is taken on record. A copy is also served on the other side.
6. The PIO also submits that there was an earlier reply sent by the former PIO on both RTI applications vide letter dated 21/07/2017 enclosing information at point no 2. It is stated that all information was furnished except one letter dated 24/08/2015 addressed to the Executive Engineer PWD, Margao which is now provided along with the Affidavit.
7. Advocate Siddesh G. Goltekar however reiterates' that there has been an intentional delay in furnishing the information with malafide intention on the part of former PIO more so as Civil Suit was filed by the interested party against the public authority i.e. Village Panchayat, Dramapur and due to the court matter the furnishing of information was intentionally delayed and as such disciplinary action and penalty should be imposed on the former PIO, Shri Sanjeev Naik who is presently posted as Secretary V.P. Raia.
8. The Commission after hearing the submissions tendered by the respective parties and also on perusing the material on record finds that whatever information was available has been furnished but there has been a delay. Also the present PIO has filed a detailed Affidavit narrating the facts and also furnishing some more information document namely the letter dated 24/08/2015 addressed to the Executive Engineer PWD, Margao.

9. As the information as was available has been furnished and in view that there is no other information available in the records of the Panchayat body and which is confirmed by the PIO by way of an affidavit. Nothing therefore survives in the Compliant case which accordingly stands disposed.
10. The Advocate for the Complainant has however insisted that penalty should be imposed and disciplinary action taken against the former PIO for causing delay and furnishing incomplete information and it is necessary in the interest of justice and fair play that the Respondent former PIO should be heard on the aspect of delay.
11. Issue notice under section 20(1) of the RTI act to the former Respondent PIO Shri Sanjeev Naik who is presently posted as Secretary V.P. Raia to show cause why penalty should not be imposed and disciplinary action taken against him for causing delay in furnishing information and furnishing incomplete information. The explanation, if any, should reach this commission on or before 10th May 2018 at 10.30am.

The former PIO Shri Sanjeev Naik shall remain personally present for the hearing on 10th May 2018 at 10.30am.

With these directions the Complaint case stands closed.

All proceedings in the Complaint case are also closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner